

BA1 No. 453 of 2020

Hon'ble N.S. Dhanik, J.

(Via Video Conferencing)

Mrs. Neetu Singh, Advocate for the applicant.

Mr. G.S. Sandhu, Government Advocate with Mr. J.S. Virk, A.G.A. along with Mr. Rakesh Joshi and Mrs. Shivali Joshi, Brief Holders for the State of Uttarakhand.

This is first bail application moved by the applicant who is in jail in connection with Case Crime No. 760 of 2019, offences punishable u/s 363, 366-A, 420, 465 & 471 of IPC, registered at Police Station Kotwali Laksar, District Haridwar.

Heard learned counsel for the parties and considered the grounds taken up in the bail application.

Learned counsel for the applicant submits that applicant has falsely been implicated in the instant crime; has no previous criminal history and is languishing in jail since 18.11.2019. She also submits that the FIR is delayed one, inasmuch as, there is a delay of 40 days. She further submits that the victim in her statement recorded under Section 164 Cr.P.C. has clearly stated that she was taken away by the applicant from her residence and took her to a Lawyer in the Court where she herself has signed some papers and clicked some photographs. Thereafter, the applicant dropped her at her home in Village Bhorna. She further submits

that there is no apprehension of applicant's absconding or tempering the prosecution witness and evidences during trial. She also submits that in case, the applicant is granted bail, he will not misuse the same and will furnish the bail surety as per the satisfaction of this Court.

Learned State Counsel opposed the bail application by contending that the Transfer Certificate of the victim is forged one. To this, learned counsel for the applicant submits that the victim herself has provided the said certificate.

Considering the submission of learned counsel for the parties and without expressing any opinion as to the final merits of the case, this Court is of the view that applicant deserves bail at this stage.

The bail application is allowed.

Let the applicant be released on bail, on executing a personal bond and furnishing two reliable sureties, each of like amount, to the satisfaction of Court concerned.

(N.S. Dhanik, J.)

29.05.2020