

BA1 No. 726 of 2020

Hon'ble N.S. Dhanik, J.

(Via Video Conferencing)

Mr. B.M. Pingal, 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. 21 of 2020, offences punishable u/s 394, 411 & 34 of IPC, registered at Police Station Srinagar, District Pauri Garhwal.

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

Learned counsel for the applicant submits that applicant is not named in the FIR; has falsely been implicated in the instant crime and is languishing in jail since 25.04.2020. He also submits that nothing has been recovered from the possession of the present applicant and after recording post arrest statement under Section 161 Cr.P.C. which is confessional one in respect to the alleged amount.. Furthermore, the offences alleged against the applicant are triable by Magistrate. He also submits that a compromise has been taken place between the applicant and the complainant. He 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 there is cogent evidence available against the applicant.

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

A.kaur