

HIGH COURT OF UTTARAKHAND AT NAINITAL

Second Bail Application No. 129 of 2020

Sunil KumarApplicant

vs.

State of UttarakhandRespondent

Present:

Mr. Rajat Mittal, counsel for the applicant.

Mr. Subhash Tyagi Bharadwaj, Deputy A.G. assisted by Mr. V.S.Rathour, AGA for the State.

Hon'ble Ravindra Maithani, J.(Oral)

The applicant – Sunil Kumar is in judicial custody in Case Crime No. 69 of 2020, Under Section 377 IPC and Section 5/6 of the Protection of Children from Sexual Offences Act, 2012, (for short “the Act”) Police Station Kotwali Nagar, District Dehradun. He has sought his release on bail.

2. Heard learned counsel for the parties through Video Conferencing and perused the material available on records.

3. The first bail application was rejected on 21st August, 2020. Learned counsel for the applicant would submit that the victim has not supported the prosecution case during trial and there is no medical evidence. Therefore, it is a fit case of bail.

4. Learned State counsel admits that the victim has not supported the prosecution case during trial.

5. Earlier, bail rejection order dated 21st August, 2020 records that the medical report does not reveal anything, but the victim in his statement given to Investigating Officer, recorded under Section 164 of the Code of Criminal Procedure, 1973, has supported the case. But, now the situation has changed. The victim himself has not supported the prosecution case and this makes out a case for bail.

6. Having heard, this Court is of the view that the applicant deserves to be enlarged on bail.

7. Bail application is allowed. Let the applicant- Sunil Kumar be enlarged on bail, on his executing a personal bond and furnishing two sureties, each of the like amount, to the satisfaction of the Court concerned.

8. Let a copy of this order be sent to the concerned court and jail through *e-mail* also.

(Ravindra Maithani, J.)
28.11.2020

Kaushal