

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No. 2636 of 2019

Shubham Kumar

.....Applicant

Vs.

State of Uttarakhand

.....Respondent

Hon'ble Alok Kumar Verma, J.

Heard Mr. Sandeep Adhikari, learned Advocate for the applicant and Mr. K.S. Rawal, learned Brief Holder for the State of Uttarakhand.

2. Urgency Application is not opposed by learned Counsel for the State, therefore, the Urgency Application No. 1499 of 2020 is allowed.

3. This First Bail Application is filed for grant of regular bail in connection with F.I.R. No. 0155 of 2019 registered with Police Station Dineshpur, District Udham Singh Nagar for the offences punishable under Sections 420, 467, 468, 471, 120B of IPC.

4. An First Information Report was lodged on 01.11.2019 against 17 persons. According to the FIR, the Deputy Education Officer received an information that at the time of the examination of Class 12th of National Institute of Open School, some students of Devbandhu Inter College Pipiliya No. 1, Gadarpur were writing answer sheet illegally under the roof of a house. This information was given to the S.D.M., who went to Thana. They all visited the place and found that in the house of the co-accused Saurabh Kumar, some people after taking money had allowed the students to give examinations.

There were 11 students who were writing the answer sheets. The co-accused Saurabh Kumar was the invigilator.

5. Learned counsel for the applicant submits that the applicant is an innocent; he was not named in the F.I.R.; at the time of this incident, the applicant was in his home; the arrest of the applicant is based on forged, fabricated and concocted story; the accused has no criminal history. The learned counsel for the applicant further submits that almost all the accused persons had been granted bail.

6. The learned counsel for the State opposed the bail application, however, the learned counsel for the State admits that almost all the accused persons are bailed out.

7. Considering the facts and circumstances of the case, without expressing any opinion as to the merits of the case, this Court is of the view that the applicant deserves bail at this stage.

8. The bail application is allowed.

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

10. Let a certified copy of this order be issued to the learned counsel for the parties today itself on payment of the prescribed charges.

(Alok Kumar Verma, J.)
Vacation Judge
30.01.2020