

HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No. 1628 of 2022

Dhoom Singh SajwanApplicant

Versus

State of UttarakhandRespondent

Present:-

Mr. L.K. Tiwari, Advocate holding brief of Mr. I.P. Gairola,
Advocate for the applicant.

Mr. S.S. Adhikari, D.A.G. for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant Dhoom Singh Sajwan is in judicial custody in Case Crime No.140 of 2021, under Sections 376 & 504 IPC, Police Station Raiwala, District-Dehradun. He has sought his release on bail.

2. Heard learned counsel for the parties and perused the record.

3. According to the FIR, on 23.09.2021, at 1:00 in the noon, the applicant took the victim with her so as to get her eye drops; the applicant denied the husband of the victim to accompany them. Subsequently, it was revealed that the applicant and the victim were in a car. The victim, thereafter, revealed that, in fact, the applicant raped her thrice.

4. Learned counsel appearing for the applicant would submit that in her statement given in the court, the victim did not reveal that she was raped. She has used the word “*galat kaam*”; it cannot be inferred to rape.

5. On the other hand, learned State Counsel would submit that the victim has supported the prosecution case.

6. In the bail rejection order, it is categorically stated that in her statement, recorded under Section 164 of the Code of Criminal Procedure, 1973 (“the Code”), the victim supported the prosecution case. In the court, the victim has said that the applicant disrobed her and also removed his clothes and did *badtameezi* with her and told her that she should stay with the applicant and should leave her husband.

7. At this stage, much of the discussion is not expected of. In para 6 of the statement, the victim denied that medical did not confirm rape. Does it mean that the word “*galat kaam*” is related to rape? The victim has proved her statement recorded under Section 164 of the Code, in which also she has supported the prosecution case.

9. Having considered the entirety of facts, this Court is of the view that it is a case not fit for bail . Accordingly the bail application deserves to be rejected.

10. The bail application is rejected.

(Ravindra Maithani, J.)
31.08.2022

Ravi Bisht