

HIGH COURT OF UTTARAKHAND AT NAINITAL

Anticipatory Bail Application No. 257 of 2022

Anand Singh

...Applicant

Versus

State of Uttarakhand

....Respondent

Present:-

Mr. D.C.S. Rawat, Advocate for the applicant.

Mr. Lalit Miglani, A.G.A. for the State of Uttarakhand.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant Anand Singh seeks anticipatory bail, in FIR No. 0023 of 2022, under Sections 332, 353, 186, 504, 506 IPC, Police Station- Lamgara, District Almora.

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

3. According to the FIR, upon information, having been received, when the informant, who is a constable in Police, visited a place, he spotted the applicant along with co-accused under suspicious circumstances. When the informant questioned the applicant and the co-accused, the informant was abused and told that the informant had earlier got recovered 5 boxes of liquor from one of the friends of the applicant and the co-accused, due to which, they incurred loss. After a little more altercation, the informant was abused and assaulted with kicks

and fists, due to which he sustained injuries. His clothes were also torn.

4. Learned counsel for the applicant would submit that the applicant was not arrested at the spot; he was not present there; the FIR is one day delayed; the informant was not on duty, hence, offences, as levelled, are not made out.

5. On the other hand, learned State Counsel would submit that there are specific allegations against the applicant, which has been supported by the witnesses.

6. It is an anticipatory bail. It balances between individual rights and societal interests. In fact, it is one step ahead of actual arrest. There are various factors, which are relevant while considering anticipatory bail application, which include gravity of offence, nature of offence, impact on society, etc.

7. During the course of argument, learned counsel for the applicant fairly concedes that once in the year 2019, the applicant had confessed his guilt with regard to the offence punishable under Section 60 of the U.P. Excise Act, 1910.

8. The informant and other witnesses have supported the case during investigation. The informant sustained some injuries as well. There is a medical examination report.

9. A person belonging to law-enforcement agency has been threatened and assaulted on mere questioning as to why the applicant and the co-accused were standing under a suspicious circumstances. This is what the FIR states. It is really very serious threat to the rule of law.

10. Having considered the submissions, this Court is of the view that the applicant is not entitled to anticipatory bail. Accordingly, the instant anticipatory bail application deserves to be dismissed.

11. The anticipatory bail application is accordingly dismissed.

(Ravindra Maithani, J.)
31.10.2022

Ravi Bisht