

HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No. 2799 of 2022

Jafar Ali

.....Applicant

Versus

State of Uttarakhand

.....Respondent

Present:-

Mr. Vikas Anand, Advocate for the applicant.

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

Hon'ble Ravindra Maithani, J. (Oral)

Applicant Jafar Ali is in judicial custody in FIR No.154 of 2022, under Sections 147, 307, 34 and 452 IPC, Police Station Gadarpur, District- Udham Singh Nagar. He has sought his release on bail.

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

3. According to the FIR, on 30.07.2022, at 8:00 PM, the applicant along with the co-accused entered into the house of the informants and fired him, due to which, Aizan and Tabasum B sustained injuries of pellets.

4. Learned counsel for the applicant would submit that there are great contradictions in the

statements of the victims recorded during investigation; the applicant is not the actual shooter, as such.

5. In fact, when the bail application was filed, on 19.12.2022, the Court wanted to know the exact role of the applicant.

6. Today, learned State Counsel gives a statement that the statement of the victim, the injuries report and the statements of other witnesses have already been filed. Therefore, no counter affidavit is required in the matter. The entire material is already available.

7. Learned counsel for the applicant would submit that though the applicant is not the actual shooter but he would submit that the applicant had common intention to cause injuries to the injured.

8. Having considered, this Court is of the view that it is a case fit for bail and the applicant deserves to be enlarged on bail.

9. The bail application is allowed.

10. Let the applicant be released on bail, on his executing a personal bond and furnishing two reliable

sureties, each of the like amount, to the satisfaction of the court concerned.

(Ravindra Maithani, J.)
23.12.2022

Ravi Bisht