

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

30TH NOVEMBER, 2023

FIRST BAIL APPLICATION NO. 1372 of 2023

Rahul Sorari

.....Applicant

Versus

State of Uttarakhand

.....Respondent

Counsel for the Applicant : Mr. D.C.S. Rawat, Advocate with
Mr. Prem Prakash Bhatt,
Advocate.

Counsel for the State : Mr. Akshay Latwal, Brief Holder.

Hon'ble Alok Kumar Verma,J.

Present Application has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in connection with the First Information Report No.128 of 2023, registered at police station Haldwani, District Nainital.

2. Applicant is in judicial custody under Sections 147, 148, 149, 323, 427, 506, 307, 364 and Section 34 of the Indian Penal Code, 1860.

3. The case of the prosecution is that on 13.03.2023, the present applicant along with other co-accused persons surrounded the informant's son and his nephew with sticks and country made pistol, beat them, attempted to abduct them and damaged his son's motorcycle and a mobile phone. The charge-sheet has been filed by the Investigating Officer, after the completion of the investigation.

4. Mr. D.C.S. Rawat, Advocate, submitted that the applicant has been falsely implicated in the present matter. No specific role has been assigned to the applicant nor is there any

evidence to suggest the motive or intention of the applicant to commit the alleged offence. The weapon used in commission of crime was recovered from the possession of the co-accused Gaurav Negi alias Akku Thakur. The injuries suffered by the injured persons are of simple in nature. Applicant is a law student. He has no criminal history. He is in custody since 15.03.2023. He is a permanent resident of District Nainital. Therefore, there is no chance of his absconding. Charge-sheet has already been filed, therefore, there is no chance of tampering with the evidence, and, a co-accused, namely, Saurabh Singh Rajput has been granted bail by this Court.

5. Mr. Akshay Latwal, learned Brief Holder, has opposed the bail application. However, he has conceded that the weapon used in commission of crime was recovered from the possession of the co-accused Gaurav Negi alias Akku Thakur and the injuries, received by the injured persons, are of simple in nature.

6. Bail is the rule and committal to jail is an exception. Refusal of bail is a restriction on the personal liberty of the individual, guaranteed under Article 21 of the Constitution of India. The object of keeping the accused person in detention during the trial is not punishment. The main purpose is manifestly to secure the attendance of the accused.

7. Having considered the submission of learned counsel for both the parties and in the facts and circumstances of the case, no reason is found to keep the applicant behind the bars for an indefinite period, therefore, without expressing any opinion as to the merit 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- Rahul Sorari 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 court concerned with the following conditions :-

- i) Applicant shall attend the trial court regularly and he will not seek any unnecessary adjournment;
- ii) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case.

10. It is clarified that if the applicant misuses or violates any of the conditions, imposed upon him, prosecution will be free to move the court for cancellation of bail.

Dated 30.11.2023
Neha

ALOK KUMAR VERMA, J.