

HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No.1407 of 2024

Abdul Sami alias BhelaApplicant

Versus

State of UttarakhandRespondent

Present:-

Mr. Ramji Srivastava, Advocate for the applicant.

Mr. B.C. Joshi, A.G.A. for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant is in judicial custody in FIR No. 134 of 2024, under Sections 363, 368, 370, 120B IPC and Section 16/17 of the Protection of Children From Sexual Offences Act, 2012, Police Station Banbhulpura, District Nainital. He has sought his release on bail.

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

3. According to the FIR, two girl victims were found missing. According to the prosecution case, co-accused Tanzeem had taken them. Initially, they were taken in the brother-in-law's house of the co-accused Tanzeem. There, it is the prosecution case that the sister of co-accused Tanzeem made a telephone call to the applicant, who told them that a report had already been lodged.

4. Learned counsel for the applicant would submit that the applicant has no role. The only role assigned to him is that co-accused Tanzeem's sister Nisha did make a call to him and he informed that police has reported the matter. It is argued that it makes out a case for bail.

5. These factual aspects are not denied by the learned State counsel. He would submit that the only role assigned to the applicant is that the sister of the co-accused did make a call to him and it is the applicant who informed the sister of co-accused Tanzeem that an FIR has been lodged in the matter.

6. Having considered the entirety of facts, this Court is of the view that the applicant deserves to be enlarged on bail.

7. The bail application is allowed.

8. 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.)
30.09.2024