

(2023) 11 UK CK 0077

Uttarakhand High Court

Case No: First Bail Application No. 1545 Of 2023

Subham

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision: Nov. 21, 2023

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 147, 148, 149, 307, 323, 324

Hon'ble Judges: Alok Kumar Verma, J

Bench: Single Bench

Advocate: Tapan Singh, Bhaskar Joshi

Final Decision: Allowed

Judgement

Alok Kumar Verma, J

1. Present Application has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in connection with the Case Crime No.441 of 2023, registered at police station Kotwali Laksar, District Haridwar.

2. Applicant-Subham is in judicial custody under Sections 147, 148, 149, 323, 324 & Section 307 of the Indian Penal Code, 1860.

3. Heard Mr. Tapan Singh, learned counsel for the applicant and Mr. Bhaskar Joshi, learned A.G.A. for the State.

4. Opposing the bail application, Mr. Bhaskar Joshi, A.G.A. appearing for the State submitted that songs were played by a Disc Jockey in the marriage of one Anuj Kumar on 20.05.2023. At 11.00 pm, Akash, Aman and other persons told the operator of Disc Jockey System to play the songs relating to their caste. On denial, they broken the glass of Vehicle and laptop. At about 03.30 am, Akash, Aman and four other unknown persons assaulted Sagar and other persons, in which, three persons had received injuries. The role of the applicant came to light during the investigation. After conclusion of the investigation, charge-sheet has been filed.

5. On the other hand, Mr. Tapan Singh, Advocate, appearing for the applicant, contended that applicant is not named in the First Information Report. First Information Report was registered against co-accused Akash, Aman and four other unknown persons. Akash and Aman have already been granted bail. All the injuries of the injured persons are simple in nature and no specific role is assigned against the present applicant. Applicant is in custody since 01.06.2023. He is a permanent resident of District Bijnore (Uttar Pradesh), therefore, there is no chance of his absconding. He

does not have any criminal antecedents. Charge-sheet has already been filed, therefore, there is no chance of tampering with the evidence.

6. Having considered the submissions of learned counsel for both the parties and in the facts and circumstances of the case, 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.

7. The Bail Application is allowed.

8. Let the applicant – Subham 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.