

(2024) 12 UK CK 0001

Uttarakhand High Court

Case No: First Bail Application No. 2239 Of 2024

Boota Singh

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision: Dec. 2, 2024

Acts Referred:

- Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 483
- Indian Penal Code, 1860 - Section 354D, 376, 504, 506

Hon'ble Judges: Alok Kumar Verma, J

Bench: Single Bench

Advocate: Anoop Jaiswal, S.C. Dumka

Final Decision: Allowed

Judgement

Alok Kumar Verma, J

1. The present Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for regular bail in connection with the

First Information Report No.260 of 2024, registered at police station Bazpur, District Udham Singh Nagar.

2. The applicant " Boota Singh is in judicial custody under Sections 354 D, 376, 504 and Section 506 of the Indian Penal Code, 1860.

3. Heard Mr. Anoop Jaiswal, learned counsel for the applicant through video conferencing and Mr. S.C. Dumka, learned AGA for the State.

4. The victim " informant, aged about 34 years, (PW1), did not support the case of the prosecution in her examination-in-chief. The husband of the victim (PW2) has also not supported the case of the prosecution.

5. Mr. Anoop Jaiswal, Advocate, submits that the applicant has been falsely implicated in the present matter. He does not have any criminal antecedents. He is a permanent resident of District Udham Singh Nagar, therefore, there is no chance of his absconding, and, he is in judicial custody since 23.06.2024.

6. Learned counsel for the State has opposed the bail application. However, he has conceded that both, the informant/ victim (PW1) and his husband (PW2) have not supported the case of the prosecution.

7. 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.

8. The Bail Application is allowed.

9. Let the applicant " Boota Singh be released on bail on his executing personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the court concerned.