

(2024) 12 UK CK 0062

Uttarakhand High Court

Case No: First Bail Application No. 2317 Of 2024

Ravindra Bhatt And Another

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision: Dec. 12, 2024

Acts Referred:

- Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 483
- Bharatiya Nyaya Sanhita, 2023 - Section 70(2), 127(2), 137(2), 142
- Protection Of Children From Sexual Offences Act, 2012 - Section 5(g), 6

Hon'ble Judges: Alok Kumar Verma, J

Bench: Single Bench

Advocate: B.S. Koranga, G.S. Sandhu, Deepak Bhardwaj, Himanshu Joshi

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

Case Crime No. 27 of 2024 (Special Sessions Trial No. 47 of 2024), registered at Kotwali Champawat, District Champawat.

2. The applicants Ravindra Bhatt and Sanjay are in judicial custody under Sections 137(2), 127(2), 142, 70(2) of the Bharatiya Nyaya Sanhita, 2023

and Section 5 (g) read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

3. Heard Mr. B.S. Koranga, learned counsel for the applicants, Mr. G.S. Sandhu, learned Addl. A. G. assisted by Mr. Deepak Bhardwaj, learned

Brief Holder for the State and Mr. Himanshu Joshi, learned counsel for the victim.

4. Mr. B.S. Koranga, Advocate, has contended that the applicants have been falsely implicated in the present matter. The alleged victim, aged about 17 years, (PW1), has not supported the case of the prosecution. She has been declared hostile. Applicants are not the previous convicts. They are permanent resident of District Chamapawat, therefore, there is no likelihood of their absconding, and, they are in judicial custody since 02.07.2024.
5. On the other hand, Mr. G. S. Sandhu, learned Addl. A. G. has opposed the Bail Application. However, he conceded that the victim has not supported the case of the prosecution.
6. Mr. Himanshu Joshi, Advocate for the victim has not opposed the bail application.
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 applicants deserve bail at this stage.
8. The Bail Application is allowed.
9. Let the applicants " Ravindra Bhatt and Sanjay be released on bail on their executing personal bonds and furnishing two reliable sureties, each in the like amount, to the satisfaction of the court concerned.