

HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No. 2152 of 2022

Usman ...Applicant

Versus

State of Uttarakhand ...Respondent

Present:-

Mr. Gaurav Singh, Advocate for the applicant.
Mr. Amit Bhatt, D.A.G. for the State.

With

First Bail Application No. 2750 of 2022

Ruksana ...Applicant

Versus

State of Uttarakhand ...Respondent

Present:-

Mr. Pankaj Kumar Sharma, Advocate for the applicant.
Mr. Amit Bhatt, D.A.G. for the State.

And

First Bail Application No. 545 of 2023

Muskurana @ Muskan ...Applicant

Versus

State of Uttarakhand ...Respondent

Present:-

Mr. Pankaj Kumar Sharma, Advocate for the applicant.
Mr. Amit Bhatt, D.A.G. for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Since all these bail applications arise from one
and the same FIR, they are decided by this common order.

2. Applicants Usman, Ruksana and Muskurana @ Muskan are in judicial custody in Case Crime/FIR No. 421 of 2022, under Section 364A 120-B IPC, Police Station Laksar, District Haridwar. They have sought their release on bail.

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

4. According to the FIR, the victim Sarfaraj aged 28 years had left his house on 26.05.2022 at 12:00 in the noon, so as to bring books of his children, but he did not return. Subsequently, ransom call was made to the informant, demanding Rs.6 Lakh for return of Sarfaraj. It is the prosecution case that based on the location of the mobile phone of the victim Sarfaraj, the police reached Village Shahpur, Panipat, Haryana and recovered the victim Sarfaraj from the custody of the applicant Usman and co-accused Naresh. It is thereafter, victim Sarfaraj revealed that he had acquaintance with the applicant Muskan @ Aarzu. She called him on the date of incidence and took him in a house of the applicant Ruksana. There all other co-accused joined them and required the victim to reveal the mobile number of his family, so that call for Rs.6 Lakh may be made.

5. Learned counsel for the applicant would submit that no offence is made out; mobile location does not confirm the prosecution case; the person, from whom money was demanded, was not examined by the Investigating Officer.

6. Learned counsel for the applicants Ruksana and Muskan would submit that they have no role in the offence. The victim was not recovered from their custody.

7. Learned State counsel would submit that all the applicants have similar role. The victim was kidnapped and ransom call was made. It has been confirmed by the statements of the witnesses.

8. It is a stage of bail. Much of the discussion is not expected of. Arguments are being appreciated with the caveat that any observation made in this order shall have no bearing at any subsequent stage of the trial or in any other proceedings.

9. Insofar as, the role of the applicant Muskan is concerned, it is she, who according to the prosecution has initiated the entire crime. It is she, who under some pretext took the victim to a place where the victim had no command and the co-accused joined their company, which was the house of the applicant Ruksana, as per prosecution.

There is an allegation that the applicants alongwith co-accused asked the victim to reveal the mobile number of his family so that some call could be made. According to the prosecution, thereafter, based on the telephonic location from the custody of the applicant Muskan and co-accused Naresh, the victim was recovered.

10. Having considered the entirety of facts, this Court is of the view that insofar as, the case of the applicant Ruksana is concerned, she is entitled to be released on bail.

11. The Bail Application No. 2750 of 2022 is allowed.

12. Let the applicant Ruksana be released on bail, on her executing a personal bond and furnishing two reliable sureties, each of the like amount, to the satisfaction of the Court concerned.

13. Insofar as, the bail applications of the applicants Usman and Muskurana @ Muskan are concerned, their bail applications deserve to be rejected.

14. The Bail Application No. 2152 of 2022 and Bail Application No. 545 of 2023 are rejected.

(Ravindra Maithani, J.)
19.12.2023