

HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No. 1487 of 2023

Devendra Singh alias Ajay Applicant

Versus

State of Uttarakhand Respondent

Present:-

Mr. Shubhr Rastogi, Advocate for the applicant.

Mr. Amit Bhatt, Deputy Advocate General for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant Devendra Singh alias Ajay is in judicial custody in FIR/Case Crime No.95 of 2023, dated 11.05.2023, under Sections 376, 384, 323, 342, 504, 506 IPC, Police Station Dalanwala, District Dehradun. He has sought his release on bail.

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

3. According to the FIR, the applicant came close to the victim through social media and thereafter, once he established physical relations with the victim forcibly and took her obscene photographs and thereafter, he blackmailed the victim and continued establishing physical relations. He also demanded money.

4. Learned counsel for the applicant would submit that the applicant and the victim, both were in relationship. It is argued that, in fact, on 21.04.2023, the applicant and the victim, both were together spotted by the police and more than ₹12 Lakhs was recovered from the victim. Thereafter, the applicant was detained by the police and he was challaned under the Police Act, but the vehicle and mobile were kept by the police with them. The brother of the applicant visited the police station for the vehicle and phone, but he was assaulted by the Station House Officer ("SHO"), due to which, he got his ear damaged. It is argued that a complaint has been lodged to the senior officer of the police against the SHO of the police station. Learned counsel would submit that thereafter, in the month of May 2023, instant FIR has been lodged. He would submit that both the applicant and the victim were in relationship; nothing was recovered from the applicant.

5. Learned State counsel would submit that the victim has already been examined at trial. She has supported the prosecution case.

6. It is the stage of bail. Much of the discussion at this stage is to be avoided. To the extent of appreciating the controversy the matter may be

examined with the caveat that any observation made at this stage shall have no bearing at any subsequent stage of the case.

7. Admittedly, the victim is of 40 years of age. There is no online transaction. She has admitted that she would on her own visit the applicant. According to her, she was blackmailed by the applicant.

8. Learned State counsel would submit that there is no photograph or videos, as such recovered during investigation.

9. Having considered, this Court is of the view that it is a case fit for bail and the applicant deserves to be enlarged on bail.

10. The bail application is allowed.

11. 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.)
22.12.2023