HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No. 953 of 2020

Shishpal ...Applicant

Versus

State of Uttarakhand ….Opposite party

Hon'ble Ravindra Maithani, J.

Mr. S.R.S. Gill, Advocate for the applicant.

Mr. Pratiroop Pandey, AGA with Ms. Geeta Parihar, Brief Holder for the State.

This matter is taken up and heard through Video Conferencing.

2. Applicant Shishpal, who is in judicial custody, in FIR No. 155 of 2020, under Sections 34, 307,332, 353, 392, 411, 427 and 506 IPC, Police Station Bazpur, District Udham Singh Nagar, has sought his release on bail.

3. According to the FIR, on 22.05.2020, a team of Revenue and Forest Officer seized about 29 vehicles, which were involved in illegal mining, but raiding party was attacked by unknown persons. Some of the vehicles were taken away. A report was lodged.

4. Learned counsel for the applicant would argue that co-accused have already been granted bail. Applicant has been denied bail because of the pending case against him. It is argued that the applicant has been named by the co-accused in the case and there is no evidence against the applicant. Hence, it is a case fit for bail.

5. Learned counsel for the State would submit that co-accused have been granted bail. According to him also, co-accused named the applicant.

6. FIR in the instant case is not named. Learned State counsel would submit that based on the statement of the co-accused the applicant has been arrested. Fact remains that co-accused has been granted bail.

7. With regard to the pending criminal case, learned counsel for the applicant would submit that the case under Section 302 IPC is pending against the applicant, but he is on bail in that case, which is Criminal Case No. 220 of 2007, Police Station ITI Kashipur, District Udham Singh Nagar.

8. Having considered the submissions, under the facts and circumstances of the case, this Court is of the view that the applicant deserves to be enlarged on bail.

9. The bail application is allowed. Let the applicant, namely, Shishpal be released on bail, on executing a personal bond and furnishing two reliable sureties, each of the like amount, to the satisfaction of the Court concerned.

10. This bail order be forwarded to concerned Court as well as the concerned jail through e-mail also.

(Ravindra Maithani, J.)
22.06.2020

Jitendra