

HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No.1777 of 2023

SahilApplicant

Versus

State of UttarakhandRespondent

Present:-

Mr. Raj Kumar Singh, Advocate for the applicant.

Mr. B.C. Joshi, A.G.A. for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant Sahil is in judicial custody in Case Crime/ FIR No. 118 of 2023, under Section 376, 323, 354-D, 504, 506 IPC, Police Station Rajpur, 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 informant and the applicant both were friends. The applicant pressurised the informant to marry and harassed, torture and abused her. The FIR records that, in fact, the applicant also demanded money from the informant.

4. Learned counsel for the applicant would submit that the FIR is false. He would submit that, in fact, the applicant and the informant both were good

friends. They were in relationship. Their engagement was also solemnized and they were to marry, but in the meanwhile, the informant got some job and she stopped talking to her and lodged a false report. It is argued that during the trial, PW1 the informant has accepted all these aspects in her cross examination.

5. Learned State counsel would submit that the informant has supported the prosecution case at trial.

6. 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.

7. In her cross examination from para 18 onwards, PW1 the victim has admitted that she was in relationship with the applicant. They were engaged also. They stayed together also for a long. She also admits that the applicant has given her money also.

8. Having considered, without much discussing the evidence or material on record, this Court is of the view that it is a case fit for bail and the applicant deserves to be enlarged on bail.

9. The bail application is allowed.

10. 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 subject to the following conditions:-

- (i) The applicant shall not approach the informant in any manner, physically, electronically or through any other social media platform.
- (ii) The applicant shall not approach any other witness of the case.

(Ravindra Maithani, J)
19.02.2024

Jitendra