HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No.2386 of 2024

Murtza Ali alias Guddu Thekedaar .....Applicant

Versus

State of Uttarakhand .....Respondent

Present:-

Mr. Mohit Kumar Kashyap, Advocate holding brief of Mr.Mukesh Kumar Kashyap, Advocate for the applicant.
Mr. S.C. Dumka, AGA for the State.

Hon'ble Ravindra Maithani, J. (Oral)

The applicant is in judicial custody in Special Sessions Trial No.776 of 2024 in connection with FIR No.131 of 2024, under Sections 137(2)/61(2) of the Bharatiya Nyaya Sanhita, 2023 ("the BNS, 2023") and Sections 16/17 of the Protection of Children from Sexual Offences Act, 2012 ("POCSO") read with Section 64 of the BNS, 2023 and Sections 3/4 of the POCSO, Police Station Pulbhatta, District Udham Singh Nagar. He has sought his release on bail.

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

3. Learned counsel for the applicant would submit that the victim has already been examined at trial

and she has not supported the prosecution case; there is no forensic evidence against him.

4. Learned State counsel admits these facts.

5. 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.

6. The bail application is allowed.

7. 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.)
19.12.2024

Sanjay

SANJAY KANOJIA