
(2021) 07 UK CK 0227

In the Uttarakhand High Court

Case No : First Bail Application No. 2468 Of 2020

Jamil Ahmad S/o Najeer Ahmad

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 29-07-2021

Acts Referred:

Indian Penal Code, 1860 — Section 395, 412
Constitution Of India, 1950 — Article 21

Citation : (2021) 07 UK CK 0227

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Avidit Noliyal, V.S. Rathore

Final Decision : Allowed

Judgement

Alok Kumar Verma, J

1. This bail application has been filed for grant of regular bail in connection with Case Crime No.168 of 2020, registered with Police Station Bazpur,

District Udham Singh Nagar for the offence punishable under Sections 395 & 412 of I.P.C.

2. On 01.06.2020, an FIR was lodged by Mr. Sanjay Kumar, Manager, Inder Filling Station alleging therein that on 01.06.2020 at around 01:40 am.,

three boys riding a motorcycle broke the lock of the cupboard after hurting two employees of the filing station and took Rs.7,50,000/-. The FIR was

registered against unknown persons. On 05.06.2020, the present applicant was arrested and Rs.63,000/- was recovered from his house.

3. Heard Mr. Avidit Noliyal, learned counsel for the applicant and Mr. V.S. Rathore, learned A.G.A. for the State through video conferencing.

4. The learned counsel appearing for the applicant submitted that the applicant

has been implicated in this matter; he is not named in the FIR; nothing was recovered from the possession of the applicant; the alleged recovery was planted; no Test Identification Parade was conducted; the applicant has no criminal history; the applicant is in custody since 05.06.2020; he is a permanent resident of District Udham Singh Nagar; the co-accused persons of the identical role have been granted bail by this High Court; charge-sheet has already been filed, therefore, there is no chance of tampering with the evidence.

5. The learned counsel appearing for the State opposed the bail application orally, however, he fairly conceded that the co-accused persons of the identical role have been granted bail by this High Court and the applicant has no criminal history.

6. Bail is the rule and committal to jail is an exception. Refusal of bail is a restriction on the personal liberty of the individual, guaranteed under Article 21 of the Constitution of India. The object of keeping the accused person in detention during the investigation or trial is not punishment. The main purpose is manifestly to secure the attendance of the accused.

7. Having considered the submissions of the learned counsel for both the parties and in the facts and circumstances of the case, there is no reason to keep the applicant behind the bars for an indefinite period, therefore, without expressing any opinion as to the merits of the case, this Court is of the view that the applicant deserves bail at this stage.

8. The bail application is allowed.

9. Let the applicant be released on bail on his executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the court concerned with the following conditions :-

- i) The applicant shall attend the trial court regularly and he shall not seek any unnecessary adjournment;
- ii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case.

10. It is clarified that if the applicant misuses or violates any of the conditions, imposed upon him, the prosecution will be free to move the court for cancellation of bail.