
(2023) 01 UK CK 0108

In the Uttarakhand High Court

Case No : Short Term Bail Application No. 2 Of 2023

Kishan Chand

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 19-01-2023

Acts Referred:

Indian Penal Code, 1860 — Section 34, 120B, 409, 420, 466, 467, 468, 471
Prevention Of Corruption Act, 1988 — Section 13(1)(A), 13(2)

Citation : (2023) 01 UK CK 0108

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Tapan Singh, Lalit Miglani, Sonika Khulbe

Final Decision : Dismissed

Judgement

Ravindra Maithani, J

1. Applicant Kishan Chand is in judicial custody in Case Crime No.6 of 2022, under Section 409, 420, 466, 467, 468, 471, 120-B, 34 IPC and Sections 13(1) (A) and Sections 13(2) of the Prevention of Corruption Act, 1988 (Amended Act, 2018), Vigilance Establishment Sector Haldwani, District Nainital. He moved a bail application in the court of competent jurisdiction, which is listed for hearing on 27.01.2023. Now, the applicant has approached this Court for short term bail application.

2. Heard learned counsel for the parties through video conferencing and perused the record.

3. At the very outset, the Court wanted to know from learned counsel for the applicant, as to why the short term bail has not been sought from the court, where the regular bail application of the applicant is pending? How two bail applications simultaneously in two courts are maintainable? There is no reply to it.

4. Learned counsel for the applicant would submit that, in fact, the applicant has moved a short term bail application in the court below on 17.01.2023, but no order has been passed on the application because it was told that the Presiding Officer of the court is on vacation.

5. These are urgent matters. This fact should be brought into the notice of the concerned Sessions Judge, who may make arrangements, so that the urgent applications like short term bail on health ground may be heard. But, two bail applications in two courts simultaneously are not maintainable. With these observations, the short term bail application is rejected.

6. Let a copy of this order be supplied to the learned counsel for the applicant today itself, on payment of usual charges.