

(2021) 06 UK CK 0001

In the Uttarakhand High Court

Case No : First Bail Application No. 2248 Of 2020

Mohd Aazam

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 07-06-2021

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 420, 467, 468, 471, 472
Information Technology Act, 2000 &mdas; Section 66C, 66D
Constitution Of India, 1950 — Article 21

Citation : (2021) 06 UK CK 0001

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : D.C.S. Rawat, T.C. Aggarwal

Final Decision : Allowed

Judgement

Alok Kumar Verma, J

1. This bail application has been filed for grant of regular bail in connection with F.I.R. No.484 of 2020, registered with Police Station-Bazpur, District

Udham Singh Nagar for the offence punishable under Sections 420, 467, 468, 471, 472, 120-B of I.P.C., Section 66-C & 66-D of the Information Technology Act.

2. On the secret information, forged Ravanne (royalty slip) and forged seal were recovered from the possession of Mohd Akram, a co-accused. The

F.I.R. was registered on 01.11.2020 against the co-accused Mohd. Akram. On the basis of the statement of co-accused Mohd. Akram, the present

applicant was apprehended on 03.11.2020 and 14 forged Ravanne (royalty slip) of State of Uttar Pradesh and one forged Ravanna of State of

Uttarakhand were recovered from the shop, namely, Mona Online Service

Devbhoomi.

3. Heard Mr. D.C.S. Rawat, the learned counsel for the applicant and Mr. T.C. Aggarwal, learned Deputy Advocate General for the State through

video conferencing.

4. The learned counsel for the applicant submitted that the applicant has been falsely implicated in the instant crime; he is an innocent person; the

name of the applicant came into light in the statement of co-accused Mohd. Akram; he is not owner of the shop, namely, Mona Online Service

Devbhoomi, nor he has any concern with the co-accused Mohd. Akram; no alleged forged articles were recovered from the possession of the present

applicant; the applicant has no criminal history; he is a permanent resident of District Udham Singh Nagar; he is in judicial custody since 04.11.2020

and the 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, however, he fairly conceded that 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 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.