
(2023) 06 UK CK 0035

In the Uttarakhand High Court

Case No : First Bail Application No. 727 Of 2023

Praveen Singh

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 14-06-2023

Acts Referred:

Indian Penal Code, 1860 — Section 323, 376, 452, 506, 511

Citation : (2023) 06 UK CK 0035

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Amit Kapri, S.T. Bharadwaj, Shivangi Gangwar

Final Decision : Allowed

Judgement

Alok Kumar Verma, J

1. Present Bail Application has been filed for grant of regular bail in connection with the First Information Report No.43 of 2023, registered at Police Station Kotwali Pithoragarh, District Pithoragarh for the offence under Section 376 read with Section 511, 452, 323 and 506 of the Indian Penal Code, 1860.

2. According to the First Information Report, on 15. 02.2023 at about 11:30 a.m., applicant entered the house of the informant/victim and tried to commit rape.

3. Heard Mr. Amit Kapri, learned counsel for applicant and Mr. S.T. Bharadwaj, learned Deputy Advocate General with Ms. Shivangi Gangwar, learned Brief Holder for the State.

4. Mr. Amit Kapri, Advocate, has submitted that on 15.02.2023 a written information regarding the incident dated 15.02.2023 was given by the informant/victim to the Incharge Police Station Pithoragarh. In the said written statement, she did not mention that the applicant had tried to commit rape and after seven days of the said alleged incident, i.e. on 22.02.2023, the informant sent a letter

to the Superintendent of Police, Pithoragarh. The First Information Report was lodged on 24.02.2023. Learned counsel for the applicant further submitted that the applicant has no criminal history and he is a permanent resident of District Pithoragarh.

5. Learned counsel for the State has opposed the bail application. However, he fairly conceded that there is no allegation of attempt to commit rape in the said written information dated 15.02.2023.

6. Having considered the submissions of 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 merit of the case, this Court is of the view that the applicant deserves bail at this stage.

7. The Bail Application is allowed.

8. Let the applicant – Praveen Singh 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.