

(2023) 05 UK CK 0009

In the Uttarakhand High Court

Case No : First Bail Application No. 794 Of 2023

Rajendra Kumar@Rajendra Sen S/o Shri Haraprasad Sen

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 02-05-2023

Acts Referred:

Indian Penal Code, 1860 — Section 420, 504, 506

Citation : (2023) 05 UK CK 0009

Hon'ble Judges : Vivek Bharti Sharma, J

Bench : Single Bench

Advocate : Devesh Upreti, Manisha Rana Singh, Shiwali Joshi

Final Decision : Allowed

Judgement

Vivek Bharti Sharma, J

1. Applicant Rajendra Kumar@Rajendra Sen, who is in judicial custody in Case Crime/F.I.R. No. 261 of 2021, under Sections 420, 504 & 506 of I.P.C., Police Station Ramnagar, District Nainital, has sought his release on bail.

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

3. Learned counsel for the applicant-accused would submit that the applicant is in judicial custody since long; the cognizance against the applicant-accused has been taken under Section 420, 504 & 506 of I.P.C. on 05.01.2022; the charges have been framed but no evidence has been recorded by the learned court below till now. He would further submit that nothing has been recovered from the applicant-accused; the charge-sheet has already been filed; no purpose would be served by keeping the applicant behind the bars as the trial is likely to take long time.

4. Learned State counsel Ms. Manisha Singh Rana would vehemently oppose the bail application on the ground that the offences against the applicant/accused are serious in nature by misrepresenting and taking money from an innocent person

by giving a false promise, which he never intended to fulfil at any stage at the time of such promise.

5. Having considered the entirety of the facts, without expressing any opinion on the final merits of the case, this Court is of the view that it is a case fit for bail and the applicant deserves to be enlarged on bail.

6. Accordingly, the bail application is allowed.

7. Let the applicant- Rajendra Kumar@Rajendra Sen be released on bail, on furnishing bail bond with two sureties in the amount of Rs. 50,000/- and personal bond in like amount to the satisfaction of the court concerned.