
(2013) 01 UK CK 0017
In the Uttarakhand High Court
Case No : 1st Bail Application No. 11 of 2013

Shahrukh

APPELLANT

Vs

State of Uttarakhand

RESPONDENT

Date of Decision : 02-01-2013

Acts Referred:

Penal Code, 1860 (IPC) — Section 323, 376, 452, 504, 506

Citation : (2013) 1 UC 328

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Advocate : Vipul Sharma, for the Appellant; Meena Bohara, Brief Holder, for the Respondent

Judgement

Prafulla C. Pant, J.—Heard. Applicants Shahrukh and Navi Hasan, who are in jail in connection with F.I.R. No. 618 of 2012, relating to offences punishable u/s 452, 376, 511, 323, 504 and 506 of I.P.C., Police Station Kashipur, District Udham Singh Nagar, have sought their release on bail.

2. The First Information Report is delayed by two days. The woman against whom attempt of rape is said to have been made is stated to be 45 years old. Learned counsel for the applicant submitted that it is not probable to attempt to commit rape in the manner suggested by the prosecution. It is argued that it is simple case of quarrel between the children. It is contended that the allegation of an attempt to commit rape are exaggeration of the incident of quarrel.

3. In the above circumstances, without expressing any opinion, as to the final merits of the case, this Court is of the view that applicants deserve bail. Accordingly, the bail application is allowed. Let the applicants Shahrukh S/o Mohammad Umar and Navi Hasan S/o Noor Hasan, be released on bail, on executing personal bond by each one of them and furnishing two sureties for each one of them, each of the like amount, to the satisfaction of the Chief Judicial Magistrate, Udham Singh Nagar.