
(2013) 01 UK CK 0016

In the Uttarakhand High Court

Case No : First Bail Application No. 687 of 2012

Surendra Dutt Nautiyal

APPELLANT

Vs

State of Uttarakhand

RESPONDENT

Date of Decision : 02-01-2013

Acts Referred:

Penal Code, 1860 (IPC) — Section 380, 381, 409

Citation : (2013) 1 UC 329

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Advocate : Prabha Naithani, for the Appellant; Suhail Ahmad Siddiqui, A.G.A., for the Respondent

Judgement

Prafulla C. Pant, J.—Heard. Applicant-Surendra Dutt Nautiyal, who is in jail in connection with Case Crime No. 24 of 2012, relating to offences punishable u/s 381 and 409 of I.P.C., Police Station Cantt., District Dehradun has sought his release on bail.

2. Learned counsel for the applicant submitted that in respect of the same Crime No. 24 of 2012 registered at Police Station Cantt., District Dehradun, the applicant has already been granted bail by this Court in respect of offence punishable u/s 380 of I.P.C. It is further submitted that during investigation, offences punishable u/s 381 and 409 I.P.C., have been added. It is contended that applicant is in jail since 06.03.2012. He has no criminal history. He is an Assistant Branch Manager of the Bank, and the allegation against him is that he took out the cash kept in the ATM machine. Learned counsel for the applicant argued that the ATM machine could not have been opened by the present applicant alone as it requires at least two persons with separate passwords to open the ATM machine to take out money from it. It is further pointed out that after the transfer of the present applicant from Jakhan Branch of State Bank of India, there was no question of applicant having new password of the machine under the control of said branch.

3. In the above circumstances, without expressing any opinion as to final merits of the case, this Court is of the view that applicant deserves bail. Accordingly, the Bail Application is allowed. Let applicant Surendra Dutt Nautiyal (S/o Shri Jagat Ram Nautiyal) be released on bail on executing personal bond and furnishing two sureties, each of the like amount, to the satisfaction of Chief Judicial Magistrate, Dehradun.