IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc. application No.286 of 2016

(under Section 482 Cr.P.C.)

Nandan SinghApplicant

Versus

State of Uttarakhand and anotherRespondents

Hon'ble Sudhanshu Dhulia, J. (Oral)

Heard Mr. B.M. Pingal, Advocate for the applicant and Mr. P.S. Saun, learned Dy. Advocate General assisted by Ms. Mamta Joshi, Brief Holder for the State/respondent No.1.

An application under Section 156(3) Cr.P.C. has been filed by the respondent No.2 before learned Chief Judicial Magistrate, Almora in which police was asked to investigate the matter. After investigation, police has submitted charge sheet in which learned Magistrate took cognizance in the matter. Aggrieved, this application under Section 482 Cr.P.C. has been filed invoking inherent jurisdiction of this Court.

Applicant has raised certain legal as well as factual submission before this Court. At this stage, these points cannot be appreciated. Apparently, there is no abuse of court.

At this stage, no interference is being called for by this Court in the matter.

However, applicant would be at liberty to raise all the factual and legal submissions before the court below which shall be duly considered at an appropriate stage for discharge etc. such as that no offence is made out against him as allegedly incident did not take place in public view.

Considering the nature of offence and other accumulating circumstances of the case, it is made clear that in case applicant moves an application for his bail before the court below, the same shall be considered as far as possible

on the same day on its merits in accordance with law and if for any reason, the bail is deferred or rejected, then the learned Magistrate shall consider granting interim bail to the applicant till the regular bail presented before the Sessions court/ Special judge concerned and shall also forward the papers before the Sessions court/Special Judge concerned as far as possible on the same day itself.

With the aforesaid observation, the Criminal Misc. application under Section 482 Cr.P.C. stands disposed.

(Sudhanshu Dhulia, J.) 17.03.2016

JKJ