

HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No. 1386 of 2022

Ashok KumarApplicant

Versus

State of UttarakhandRespondent

Present:-

Mr. Gaurav Singh, Advocate for the applicant.

Mr. V.K. Gemini, D.A.G. assisted by Ms. Meena Bisht, Brief Holder for the State.

First Bail Application No. 1395 of 2022

Ravi KumarApplicant

Versus

State of UttarakhandRespondent

Present:-

Mr. Devesh Upreti, Advocate for the applicant.

Mr. V.K. Gemini, D.A.G. assisted by Ms. Meena Bisht, Brief Holder for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Since both the bail applications arise from one and the same FIR, they are being decided together by this common order.

2. Applicants Ashok Kumar & Ravi Kumar are in judicial custody in FIR/Case Crime No.29 of 2021, under Sections 420, 467, 468, 471 IPC and Section 66, 66C, 66D of the Information Technology Act, 2000, Police

Station Ranikhet, District- Almora. They have sought their release on bail.

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

3. According to the FIR, the daughter of the informant had gone to withdraw money from an ATM on 13.10.2021. She was helped by someone to withdraw the money. Subsequently, it was revealed that some person has withdrawn Rs.50,000/- from her account using the ATM. The FIR was lodged.

4. It is argued by learned counsel for the applicants there is no evidence against the applicant; he has been arrested without any evidence.

5. Learned State Counsel would submit that, in fact, the applicants were in a car, which was located in the area where the informant resides. The applicant Ashok Kumar confessed that they visited Ranikhet, Dwarahat, Chaukhutiya and made clones of various ATMs and withdrew the money, though he admits that except this statement, there is no corroborating evidence; ATM cards were not recovered; there is no CCTV footage.

6. Having considered, this Court is of the view that it is a case fit for bail and the applicants deserve to be enlarged on bail.

7. The bail applications are allowed.

8. Let the applicants be released on bail, on their executing a personal bond and furnishing two reliable sureties, each of the like amount, by each one of them, to the satisfaction of the court concerned.

(Ravindra Maithani, J.)
06.08.2022

Ravi Bisht