

**IN THE HIGH COURT OF UTTARAKHAND**  
**AT NAINITAL**

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

**24<sup>th</sup> AUGUST, 2022**

**FIRST BAIL APPLICATION NO. 1402 of 2022**

Between:

Ravi Kumar ...Applicant

and

State of Uttarakhand. ...Respondent

Counsel for the Applicant : Mr. Devesh Upreti,  
learned counsel.

Counsel for the State/ : Mr. S.T. Bhardwaj, learned  
Respondent Deputy Advocate General.

**Hon'ble Alok Kumar Verma,J.**

The present bail application has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in connection with Case Crime No. 33 of 2021 registered with Police Station Chaukhutiya, District Almora for the offence under Sections 420, 467, 468, 471 of IPC, Sections 66, 66C and Section 66D of the Information Technology Act, 2000.

2. According to the First Information Report dated 02.11.2021, an amount of Rs. 30,078/- of the informant was withdrawn by unknown person from her Bank Account No. 37031097015 of State Bank of India, Branch Rampur, Chaukhutiya. The First Information Report was registered under Section 420 of IPC against the unknown person.

3. During the investigation, the name of the present applicant came into light.

**4.** Heard Mr. Devesh Upreti, the learned counsel for the applicant and Mr. S.T. Bhardwaj, the learned Deputy Advocate General.

**5.** Mr. Devesh Upreti, the learned counsel for the applicant, submitted that the applicant has been falsely implicated in this matter; he is an innocent person; he was not found in the CCTV footage of the ATM; no evidence has been found against him; nothing has been recovered from his possession; three other FIRs have been registered against the applicant, and, in all the said matters, the applicant has been granted bail; the applicant is in custody since 11.05.2022; co-accused has been granted bail by this High Court, and, the charge-sheet has already been filed, therefore there is no chance of tampering with the evidence.

**6.** The learned counsel appearing for the State opposed the bail application. However, he fairly conceded that no clear link of evidence has been found against the applicant to the effect that the applicant had withdrawn the said amount of the informant.

**7.** Bail is the rule and committal to jail is an exception. Refusal of bail is a restriction on the personal liberty of the individual, guaranteed under Article 21 of the Constitution of India. The object of keeping the accused person in detention during the trial is not punishment. The main purpose is manifestly to secure the attendance of the accused.

**8.** Having considered the submissions of learned counsel for both the parties and in the facts and circumstances of the case, there is no reason to keep the applicants behind the bars for an indefinite period, therefore, without expressing any opinion as to the merits

of the case, this Court is of the view that the applicant deserve bail at this stage.

**9.** The bail application is allowed.

**10.** Let the applicant, namely, Ravi Kumar, be released on bail on his executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the court concerned with the following conditions: -

i) The applicant shall attend the trial court regularly and he will not seek any unnecessary adjournment;

ii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case.

**11.** It is clarified that if the applicant misuses or violates any of the conditions, imposed upon him, the prosecution will be free to move the court for cancellation of bail.

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**ALOK KUMAR VERMA, J.**

Dt: 24.08.2022  
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