

HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No. 9 of 2023

Mohd. Zaraar

.....Applicant

Versus

State of Uttarakhand

.....Respondent

Present:-

Mr. Pawan Mishra, Advocate for the applicant.

Mr. V.K. Jemini, Deputy Advocate General with Ms.
Sangeeta Bhardwaj, Brief Holder for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant Mohd. Zaraar is in judicial custody in FIR/Case Crime No. 175 of 2022, under Sections 376, 323, 506 IPC and Section 67 of the Information Technology Act, 2000, P.S. Cantt., District Dehradun. He has sought his release on bail.

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

3. According to the FIR, the applicant befriended the victim from December, 2021 onwards; he proposed the victim and under the pretext of marriage, he established physical relations. The applicant was already married. When the victim questioned the applicant, he assured that he will divorce his wife and marry the victim. The FIR states that, in fact, the applicant had made some nude photographs and video of the victim.

4. Learned counsel for the applicant would submit that the victim in her cross-examination admitted that her relations were consensual; therefore, it is a case for bail.

5. Learned State Counsel would submit that the applicant was already married, but, he gave false assurance to the victim to marry her and under the pretext of marriage, established physical relations with the victim.

6. It is a stage of bail. Much of the discussion is not expected of. The discussion is being made with the caveat that any observation made in this order should not have any bearing at the trial.

7. The victim has already been examined. In her cross-examination, she has admitted that, in fact, the applicant was in touch with her on 06.08.2021 (Para 6 of cross-examination). She has also stated in para 21 of the statement that on 02.09.2021, she came to know that the applicant was married. The FIR records that the applicant came in touch with the victim from December, 2021, when he visited for some carpentry work to the house of the victim.

8. Having considered, this Court is of the view that it is a case fit for bail and the applicant deserves to be enlarged on bail.

9. The bail application is allowed.

10. Let the applicant be enlarged on bail on his executing personal bond and furnishing two reliable sureties, each of the like amount, to the satisfaction of the court concerned.

(Ravindra Maithani, J.)
10.04.2023

Avneet/