

Kunwar Vishpendra Singh vs State Of Uttarakhand on 6 January, 2022

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Anticipatory Bail Application No. 53 of 2021

Kunwar Vishpendra Singh.

.....Applicant

-Versus-

State of Uttarakhand.

.....Respondent.

Present:

Shri Parikshit Saini, learned Advocate for the Applicant. Shri J.S. Virk, learned Deputy Advocate General with Shri Rakesh Joshi, Brief Holder for the State / respondent.

Date of hearing and order: 06.01.2022 Shri Sanjaya Kumar Mishra, ACJ.

Upon hearing the learned counsel for the parties, the Court made following order:

1. This is an application under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail. The applicant is apprehending his arrest in connection with Case Crime No. 569 2020 under Section 307, 504, 506 IPC registered at Police Station -

Rudrapur, District - Udham Singh Nagar.

2. Learned counsel for the applicant submits that during the course of the investigation, Section 307 IPC is converted to Section 325, 308 IPC.

3. Learned Deputy Advocate General for the State submits that during the pendency of this application, charge-sheet has been filed against the present applicant.

4. The maximum sentence that can be awarded for the offences mentioned above is for a term of 7 years where the provisions of Section 41 & 41A of the Code shall be attracted.

Moreover, the ratio decided by Hon'ble Supreme Court in the case of Arnesh Kumar Vs. State of Bihar reported in AIR 2014 SC 2756 is also applicable. Applicant is permanent resident of L.I.G. 534, Holy Chowk Vikas Ward No. 20 Rudrapur District - Udham Singh Nagar. There is no reasonable apprehension of his absconding.

5. Let the applicant surrenders before the Magistrate having jurisdiction over the concerned police station and move appropriate application for bail within 21 days from today. On his surrender and moving such bail application, the Magistrate concerned shall release him on bail on the suitable terms and conditions, as he deems just and proper. If applicant is failed to surrender before the Magistrate concerned, then the Magistrate shall be at liberty to proceed against the applicant in accordance with law.

6. Present application stands disposed of accordingly.

7. Urgent certified copy of this order be granted, as per rules.

(Sanjaya Kumar Mishra) Acting Chief Justice.

SKS/A