

HIGH COURT OF UTTARAKHAND AT NAINITAL

Third Bail Application No. 41 of 2022

Arunesh Kumar SinghApplicant

Versus

State of UttarakhandRespondent

Present:-

Mr. Sandeep Kothari, Advocate for the applicant.

Mr. Lalit Miglani, A.G.A. with Ms. Sonika Khulbe, Brief Holder for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant Arunesh Kumar Singh is in judicial custody in Case Crime No.63 of 2021, under Sections 395, 397, 412, 120-B and 34 IPC and Sections 25 and 4/25 the Arms Act, 1959, Police Station Lalkuan, District- Nainital. He has sought his release on bail.

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

3. This is the third bail application. The first bail application was dismissed as withdrawn on 29.06.2021 and the second bail application was rejected on 18.02.2022.

4. According to the case, on 26.02.2021, when the informant was alighting from his vehicle, a black coloured Honda City vehicle bearing Registration No. U.P. 27-T-

8100 suddenly came in front of them. Two masked persons alighted from the Honda City vehicle and at the gun point, looted the bag, which had Rs. 1.5 lakhs, revolver and other documents from the informant. There were other occupants in the car as well. A report was lodged on 27.02.2021, at 1:31 A.M. According to the case, the applicant and the co-accused Deepak Bajpai were arrested on the same day along with the Honda City car involved in the crime. Some money and Aadhar Card of the informant were recovered from the applicant and the co-accused Deepak Bajpai. The applicant and co-accused Deepak Bajpai named other persons involved in the crime.

5. Learned counsel for the applicant would submit that one of the crucial points has not been raised earlier, which is with regard to the identity of the vehicle allegedly recovered from the applicant. He would submit that in the case diary and in the statements of the witnesses, earlier, the vehicle number written was U.P. 27-T-8100, which was subsequently changed to U.P.-27-L-8100. It is argued that it raises serious questions about the authenticity of the prosecution case. Reference has been made to the statements of the witnesses recorded in

the case diary as well as the recovery memo to show that such correction was made.

6. Apparently, it looks that such corrections have been made.

7. Learned State Counsel would submit that when the error was noticed, it was rectified in the documents.

8. As stated, two masked persons, who alighted from the alleged vehicle looted at gunpoint a bag from the informant, which had 1.5 Lakhs rupees, revolver and other documents. The car involved along with money and Aadhar Card of the informant was recovered from the possession of the applicant and the co-accused Deepak Bajpai. The question of correction in the documents, which has now been raised, in the view of this Court, does not entitle the applicant to bail.

8. Having considered, this Court is of the view that it is not a case fit for bail. Accordingly, the bail application deserves to be rejected.

9. The bail application is rejected.

(Ravindra Maithani, J.)
07.11.2022