

In the court of 1st. Addl. Distt.and Sessions Judge, Sheikhpura.

SC/ST case no.41/2016

ORDER

07.12.2018. A petition for bail has been filed on behalf of the accused petitioner namely Gautam Kumar who is in custody since 06.12.2018 in connection with SC/ST case no. 41/2016 registered for the offence u/s 448,323,504,506,379/34 of the IPC and 3 (1) (x) SC/ST Act pending in this court put up and moved today.

Heard the learned counsel for the petitioner as well as the learned p.p. for the state.

The learned counsel for the petitioner submitted that the petitioner is innocent and has not committed any offence. Petitioner was all along on bail u/s 41 (1) cr.p.c.. In this case cognizance has been taken and after taking cognizance it is first appearance of the petitioner. All alleged sections are bailable in nature so far section SC/ST Act is not applicable and other co-accused granted bail. The petitioner is man of means and there is no chance of his absconding. Hence, prayer for bail to the petitioner.

The learned p.p. opposed the prayer of bail and submitted that the petitioner is named in the F.I.R. There is sufficient material in the case record against the petitioner. Hence, the petitioner do not deserve bail at all and his prayer for bail may be rejected.

Considering the facts and circumstances of the case and further considering the submission of the learned counsel for the parties and from perusal of record it appears that in this case cognizance has been taken against the petitioner and others u/s 448,323,506,379,34 of the IPC and 3 (1) (x) SC/ST Act. All sections are bailable in nature except section 379 of the IPC and 3 (1) (x) SC/ST Act. The petitioner has already released by police u/s 41 (A) of cr.p.c. After cognizance petitioner did not appear before the court and NBW was issued against the petitioner. During his bail period he has not tempering witness. The petitioner is in custody since 06.12.2018. In view of the aforesaid facts and circumstances of the case and the period of custody the petitioner is ordered to be released on bail on furnishing bail bond of rupees 10,000/- with two sureties of the like amount each.

Dictated and corrected by me.

1st. Addl. Distt.and Sessions Judge.
Sheikhpura.
07.12.2018.