

**HIGH COURT OF UTTARAKHAND AT NAINITAL**  
**Second Bail Application No. 7 of 2022**

**In**  
**Criminal Appeal No. 303 of 2021**

Satpal Singh ...Applicant

Versus

State of Uttarakhand ...Respondent

Present:-

Mr. Arvind Vashistha, Senior Advocate, assisted by Mr. Kaushal Pandey, Advocate for the applicant.  
Mr. Ranjan Ghildiyal, A.G.A. for the State..

**Hon'ble Ravindra Maithani, J. (Oral)**

The appellant has been convicted under Section 7 and 13 (1) (d) read with Section 13(2) of the Prevention of Corruption Act, 1988 and sentenced thereunder. In this appeal preferred against his conviction, which is recorded in Special Sessions Trial No. 02 of 2014, State Vs. Satpal singh, by the court of Special Judge (Prevention of Corruption Act)/1<sup>st</sup> Additional District and Sessions Judge, Nainital, the appellant moved second bail application.

2. Heard learned counsel for the parties through video conferencing.

3. This is second bail application. The first bail application was dismissed in non prosecution.

4. Learned Senior counsel for the appellant would submit that the victim did not support the prosecution case. The victim, in her statement has categorically stated that the

appellant did not receive the money. The hand-wash, which according to the prosecution was prepared soon after the incident was white in colour and not pink, as alleged by the prosecution. It is also argued that, in fact, during trial for about 2-3 months the appellant was in custody and now he is in custody for about 9 months. He has been sentenced to five years imprisonment. Therefore, it is a case fit for bail.

5. It is a case of trap. The arguments which have been advanced have already been discussed by the court below in the impugned judgment. There are witnesses of pre-trap, trap and post-trap.

6. It is true that when examined as PW5 Smt. Meera Sonkar, she did not fully supported the prosecution case. Particularly, according to her, when after all trap preparations, she approached the appellant and told him that she has brought money the appellant denied from taking it. But, there are other witnesses of alleged handing over of money by the victim PW5 Meera Sonkar to the appellant.

7. PW 1 Kewlanand Arya, PW2 Sheetal Shah and PW3 Uttam Singh Jimiwal have stated about it. According to all the witnesses, when the hand of the appellant were washed in the solution, the solution turned pink. In the recovery memo the denomination of the currency notes were prepared, which were subsequently recovered from the appellant.

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

9. The second bail application is rejected.

(Ravindra Maithani, J.)  
28.07.2022

Jitendra