

Pushpendra @ Shibbu Vs. State of Uttarakhand

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Court : Uttaranchal

Decided On : Mar-10-2014

Judge : U.C. Dhyani

Appeal No. : 1st Bail Application No. 1423 of 2013

Appellant : Pushpendra @ Shibbu

Respondent : State of Uttarakhand

Judgement :

U.C. Dhyani, J.

1. Applicant Pushpendra @ Shibbu, who is in jail in connection with Case Crime/FIR No. 269 of 2013, relating to offences punishable under Sections 363, 366, 306, 309 and 506 of IPC, Police Station Rudrapur, District Udham Singh Nagar, has sought his release on bail.
2. Heard learned counsel for the parties, perused the material on record and considered the grounds taken up in the bail application.
3. Sushila (victim) eloped with Pushpendra alias Shibbu (accused-applicant). They went to Bulandsahar. There was love affair between them. When the first information report was lodged against the applicant, his father, his bua (aunt) and his father was arrested, Pushpendra and Sushila decided to commit suicide. Accordingly, both of them consumed poison. Whereas Sushila died, present

applicant Pushpendra survived. According to postmortem report, the age of the victim was 22 years. Co-accused, i.e., father and bua of the applicant were granted bail by the Sessions Judge, Udham Singh Nagar. Applicant is in jail since 14.05.2013. First information report was lodged after four days.

4. Learned Deputy Advocate General stated that three criminal cases are pending against the applicant. Learned counsel for the applicant submitted that the applicant has been acquitted in the criminal case arising out of first information report no. 237 of 2009. Another case relating to rash and negligent driving is pending against the applicant.

5. Considering the facts of the case and attenuating circumstances, a case of bail is made out in favour of the applicant.

6. Accordingly, the bail application of the applicant is allowed. Let the applicant Pushpendra @ Shibbu be released on bail on his executing a personal bond and furnishing two sureties, each of the like amount to the satisfaction of C.J.M., Udham Singh Nagar. (Urgency application No. 1070 of 2014 stands disposed of).

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