

Dalip Singh Vs. State of Uttarakhand and anr.

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Court : Uttaranchal

Decided On : Sep-03-2010

Judge : Dharam Veer, J.

Acts : Code of Criminal Procedure (CrPC) - Section 161

Appeal No. : Bail Application No. 757 of 2010

Appellant : Dalip Singh

Respondent : State of Uttarakhand and anr.

Judgement :

1. Heard Mr. ID Paliwal, Advocate for the applicant and Mr. Amit Bhatt, Addl. GA for the State.

2. In brief, the prosecution case is that the accused applicant was posted as a Junior Engineer in Jila Panchayat, Chamoli. On 22.2.2010, Sri Rakesh Pant moved a complaint against the applicant that he was demanding Rs. 10,000/- in advance as bribe for releasing the final payment of the complainant against the work of laying tiles, making C.C. pathway of the temple of Kot Kandara Kalimath. On this complaint, after completing the necessary formalities, a trap was led by the Vigilance team headed by Inspector Vigilance Sri VP Sharma on 26.2.2010 and the applicant was caught red-handed from his official residence at Gopeshwar, Chamoli along with the illegal gratification of Rs. 10,000/- in the presence of independent witnesses Sri Vinod Kumar Rawat and Sri Dheeraj Gupta.

3. Learned Counsel for the accused applicant submitted that the applicant has been falsely implicated in this case.

4. Opposing the bail application of the accused applicant, learned Addl. GA for the State argued that the accused applicant being a public servant misused his position and was caught red-handed by the vigilance team while accepting the illegal gratification in the presence of independent witnesses. He further argued that the trap was led as per rules and all the witnesses including the independent witnesses in their respective statements under Section 161 Cr PC have supported the prosecution case.

5. Having heard the submissions of learned Counsel for the parties; perusal of the contents of FIR, recovery memo, statements of the witnesses recorded under Section 161 Cr PC and other papers available on record and in view of the facts and circumstances of the case, the Court is of the view that a prima facie case is made out against the accused applicant and there exists sufficient evidence against the accused applicant to prove his involvement in the alleged crime. Hence, keeping in view of the aforesaid facts and circumstances of the case and the seriousness and gravity of the offence, I do not find any ground to release the accused applicant on bail.

6. The bail application is accordingly rejected.

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