**Bail is the rule and committal to jail is an exception: High Court of Uttarkhand**

The object of keeping the accused person in detention during the trial is not punishment. The main purpose is manifestly to secure the attendance of the accused. A single bench comprising of Justice Alok Kumar Verma adjudicating the matter of **Guddu v. The State of Uttarakhand (First Bail Application No. 1228 of 2020 )** dealt with an issue of whether to grant bail to the accused or not?

In the present case, a FIR was lodged against accused- Omkar residing in a house on rent with his rent Roop Ram and son-in-law Guddu. On 12.04.2019 daughter went to bring some medicines with her mother but due to crowd she got separated. When she was searched, on enquiry it was found that she went with Guddu. On 10.9.2019, the victim was recovered along with the Guddu. Her medical examination was conducted. The statements of the victim were recorded under Section 161 and Section 164 of the Code of Criminal Procedure, 1973. After completion of the investigation, charge-sheet is filed.

It was submitted by the counsel of the Applicant that the applicant was falsely implicated in this matter. I was submitted that the victim was a major and she fell in love and eloped with the applicant. Due to such relation the victim became pregnant. As per the prosecution case, the victim was of 17 years 10 months and 27days and such was relied by the prosecution on a certificate, issued by the Principal of the Primary School, Ahrola, Nawabganj, Bareilly, which was based on a Transfer Certificate; the copy of the said Transfer Certificate has not been filed; as per Adhaar Card of the alleged victim, her date of birth is 05.04.2000; according to Ration Card, her date of birth is 01.01.2000 and as per the extract of the Parivar Register, she was born in the year, 1997; therefore, on the date of the alleged incident, the alleged victim was major.

The learned counsel for the applicant further submitted that the applicant has no criminal history; he is a permanent resident of District Nainital; he is in custody since 10.09.2019 and charge sheet has already been filed, therefore, there is no chance of tampering with the evidence.The counsel on behalf of the State opposed the bail application and he submitted that there is some contradiction regarding age of the victim and the applicant has no criminal history.

The court held that “*Bail is the rule and committal to jail is an exception. Refusal of bail is a restriction on the personal liberty of the individual, guaranteed under Article 21 of the Constitution of India. The object of keeping the accused person in detention during the trial is not punishment. The main purpose is manifestly to secure the attendance of the accused”* and concluded that,” there is no reason to keep the applicant behind the bars for an indefinite period, therefore, without expressing any opinion as to the merits of the case, this Court is of the view that the applicant deserves bail at this stage.”