

**IN THE HIGH COURT OF UTTARAKHAND**  
**AT NAINITAL**

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

**FIRST BAIL APPLICATION NO. 1812 of 2021**

**03<sup>RD</sup> AUGUST, 2021**

Between:

Kuldeep Chaturvedi ...Applicant

and

State of Uttarakhand. ...Respondent

Counsel for the Applicant : Mr. Mani Kumar.

Counsel for the Respondent : Mr. T.C. Aggarwal, learned  
Deputy Advocate General  
with Mr. P.S. Uniyal, learned  
Brief Holder for the State.

**Hon'ble Alok Kumar Verma,J.**

This bail application has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in connection with F.I.R. No.0203 of 2020, registered with Police Station Transit Camp, District Udham Singh Nagar for the offence punishable under Sections 323, 365 & 367 of I.P.C.

2. On 11.08.2020, at 20.05 hrs., an FIR was lodged by the informant Islamuddin that the informant had a welding shop in the name of Raja Fabrication. One Daya Kishan was working there along with him. Daya Kishan had a dispute regarding money with the present applicant and the co-accused persons, who used to come to his shop and threatened Daya Kishan by saying that if he does not pay, then they will beat him and kidnap him. On

11.08.2020 at 17.40 hrs, the applicant and the co-accused persons came to his shop and took Daya Kishan forcefully in a Innova Car. On the same day, i.e. 11.08.2020, Daya Kishan was recovered from the possession of the co-accused persons.

3. Heard Mr. Mani Kumar, the learned counsel for the applicant and Mr. T.C. Aggarwal, the learned Deputy Advocate General with Mr. P.S. Uniyal, the learned Brief Holder for the State.

4. Mr. Mani Kumar, the learned counsel for the applicant submitted that the applicant has been implicated in this matter; he was not present at the time of the alleged recovery; the applicant is a permanent resident of District Udham Singh Nagar; he is in custody since 22.06.2021; three co-accused persons of identical role have been granted bail by this Court; the applicant has no criminal history and charge sheet has already been filed, therefore, there is no chance of tampering with the evidence.

5. Mr. T.C. Aggarwal, the learned Deputy Advocate General appearing for the State opposed the bail application. However, he fairly conceded that the co-accused persons of identical role have been granted bail by this Court.

6. 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.

7. Having considered the submissions of learned counsel for both the parties and in the facts and circumstances of the case, there is no reason to keep the applicant behind the bars for an indefinite period, therefore, without expressing any opinion as to the merit of the case, this Court is of the view that the applicant deserves bail at this stage.

8. The bail application is allowed.

9. Let the applicant Kuldeep Chaturvedi be released on bail on his executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the court concerned with the following conditions :-

i) The applicant shall attend the trial court regularly and he shall not seek any unnecessary adjournment;

ii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case.

10. It is clarified that if the applicant misuses or violates any of the conditions, imposed upon him, the prosecution will be free to move the court for cancellation of bail.

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**ALOK KUMAR VERMA, J.**

Dt: 03<sup>rd</sup> August, 2021  
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