



ITEM NO.62

COURT NO.9

SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 3304/2022

(Arising out of impugned final judgment and order dated 08-03-2022 in FBA No. 161/2022 passed by the High Court of Uttarakhand At Nainital)

JITENDER NARAYAN TYAGI ALIAS VASIM RIZVI

PETITIONER(S)

VERSUS

THE STATE OF UTTARAKHAND & ANR.

RESPONDENT(S)

(IA No. 72336/2022 - APPLICATION FOR PERMISSION, IA No. 51757/2022 - EXEMPTION FROM FILING O.T., IA No. 111102/2022 - EXTENSION OF BAIL, IA No. 69170/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 51755/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 12-09-2022 This matter was called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE AJAY RASTOGI
 HON'BLE MRS. JUSTICE B.V. NAGARATHNA**

For Petitioner(s) Mr. Siddharth Luthra, Sr. Adv.
 Mr. Pulkit Srivastava, AOR
 Mr. Pankaj Singhal, Adv.
 Mr. Hardik Rupal, Adv.

For Respondent(s) Mr. Mehmood Pracha, Adv.
 Mr. Sanawar Choudhary, Adv.
 Mr. Jatin Bhatt, Adv.
 Mr. Aayushman Aagarwal, Adv.
 Mr. Harshit Gahlot, Adv.
 Mr. Dhruv Yadav, Adv.
 Ms. K. V. Bharathi Upadhyaya, AOR

Mr. Jatinder Kumar Sethi, DAG
 Mr. Abhishek Atrey, AOR
 Mr. Ashutosh Kumar Sharma, Adv.
 Ms. Himanshu Sethi, Adv.
 Ms. Ambika Atrey, Adv.
 Mr. Akash Giri, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The present petition has been filed seeking post-arrest bail for the alleged incident of 17th /19th of December, 2021 in reference to FIR no. 08 of 2022 dated 02.01.2022 registered for the offences punishable under Sections 153A and 298 IPC at Police Station Kotwali, District Haridwar, Uttarakhand, implicating ten accused persons. It is informed that one of the co-accused in this case is on post-arrest bail by order dated 07.02.2022 (Annexure P-9, Page 97).

Counter affidavit has been filed by the respondent-State placing on record the history sheet of the petitioner (Annexures - R2/R3). It is also informed to this Court that after investigation charge-sheet came to be filed on 06.03.2022 and charges have been framed on 19.05.2022.

After we have heard the learned Counsel for the parties and taking into consideration the matter in totality, without going into the merits/demerits of the case, this Court is of the view that the petitioner has made out a case for grant of post-arrest bail, but at the same time, looking to the alleged allegations against the petitioner, consider it appropriate to observe that he shall furnish an undertaking before the trial Court, in addition, to the terms and conditions imposed by the trial Court for ensuring his presence and participation in the trial, that he will not address electronic media or social media and shall not indulge into such alleged activities any more, directly or indirectly.

The petitioner may be produced before the Trial Court within three days and shall be released on post-arrest bail subject to such terms and conditions to the satisfaction of the concerned trial Court and on furnishing undertaking in above terms before the trial Court.

If the petitioner violates or commits breach of any of the conditions on which bail has been granted to him, the respondents/prosecution is at liberty to move an application seeking cancellation of bail.

With these directions, the Special Leave Petition stands disposed of.

Pending application(s), if any, shall stand disposed of.

(POOJA SHARMA)
COURT MASTER (SH)

(MONIKA DEY)
COURT MASTER (NSH)