

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS  2026:UHC:3828
			<u>BA 1st No.73 of 2026</u> Abhay Yaduvanshi @ Abhay Kumar @ Raja Applicant Vs. State of Uttarakhand ..Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. Girish Chandra Joshi, Ms. Roshni Mishra, Mr. Naresh Singh Mankoti, learned counsel for the Applicant. 2. Mr. J.P. Kandpal, learned AGA, for the State of Uttarakhand. 3. The present case arises from Bail Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail for the Applicant – Abhay Yaduvanshi @ Abhay Kumar @ Raja, who has been accused in FIR No.0195 of 2025, dated 03.08.2025, under Section 103 (1) of BNS, at Police Station Mukhani, District Nainital, Uttarakhand. 4. The case of the prosecution is that the Complainant lodged an FIR with the averments that her daughter, Jyoti Mer, was married to Kamal Sablani in the year 2018, and was currently living on the 3rd Floor of a rented house in “Asha Pandey’s house at J.K. Puram Chhoti Mukhani”. Her daughter used to work as a female Yoga Trainer at “Ajay Yoga and Fitness Centre” near K.V.M. School, Mukhani. She was quite upset with Ajay Yaduvanshi and his younger brother Abhay Yaduvanshi (Raja). She complained to her sister-in-law, namely, Tannu Mer, that she would leave the job next month as she was scared to work there. 5. Further it is stated in the FIR that on 31.07.2025, at

		6:00 AM, Complainant received a call from one Nisha Joshi, a co-worker and a friend of the deceased (Jyoti Mer), informing her that her daughter was lying on the ground, and when the Complainant reached the site of the incident along with her daughter-in-law, Tannu Mer's brother, Hemu Mer, Jyoti was lying unconscious on the ground, not breathing. 6. There was an injury on the back of her daughter's head, and there were several injury marks on her neck, hands and other parts of her body. 7. After the arrival of the Police, an inquest was conducted. The Complainant made direct and specific allegations against the owners of "Ajay Yoga and Fitness Centre", namely, Ajay Yaduvanshi and Abhay Yaduvanshi (Raja), that they used to mentally and physically torture her, and that is why she used to be upset, and she suspected that both Ajay Yaduvanshi and Abhay Yaduvanshi (Raja) killed her daughter. 8. Learned counsel for the Applicant submits that the Applicant has falsely been implicated in the present case. It is contended that the friend of the deceased had informed the Complainant that her daughter had committed suicide. It is further submitted that the Applicant has been implicated merely on the basis of suspicion, in the absence of any direct and cogent evidence, and there is no eyewitness account corroborating the alleged incident. 9. The allegations against the Applicant are founded primarily upon surmises and conjectures, and no specific overt act attributable to the Applicant has been brought on record.
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		10. Further, it is contended that the allegation regarding “mental and physical harassment” is vague, omnibus and bald, without mentioning dates, times, nature of alleged acts, or any prior complaint to the present matter or any other forum, so as to say. It is admitted that the deceased was residing alone in the rented premises, and the FIR states clearly that she was found unconscious in her own residence, which rules out any immediate interference of third-party involvement without corroborative evidence. Neither the Complainant nor any other person had witnessed the crime as alleged or the incident. Merely, on speculation and unsubstantiated evidence, the Applicant has been booked in the present matter. 11. The prosecution claims that the Applicant along with co-accused have been identified, as per the CCTV footage, though it is not clear as to who are the persons shown in the said CCTV footage, as they appeared to be masked and when the incident has not been witnessed by anyone and there are allegations based on the CCTV footage, test identification parade should have been conducted and accordingly link should have been formed in the entry and exit of the place of incident of the person alleged to be Applicant and the deceased, and thus, it is requested that the Applicant may be enlarged on bail. 12. Learned State Counsel refutes to the submissions made by the Applicant’s Counsel by submitting that the Post-mortem report shows that <i>“under-scalp hematoma of size 7.5 cm x 4.8 cm noted over left parieto-occipital region, dark red, left temporalis muscle contused. Diffuse under-scalp</i>
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hematoma of size 4.7 cm x 3.6 cm noted over right occipital region, dark red.” Besides it, there are several external injuries on the body of the deceased, and the cause of death as opined by the Medical Officer conducted the autopsy has been shown as “ligature strangulation associated with blunt trauma to head”

13. Learned State Counsel submits that, as per the medical records, the deceased/victim was brutally manhandled; she was beaten up and strangled, as her hyoid bone was also reported to be fractured. Besides, she was brutally hit on the head, which caused brain trauma and a bump on the head.

14. Taking a cue of corroboration through the said CCTV footage which was exhibited in the open court today, learned State Counsel points out that in one of the CCTV footage, a woman shown to enter the premises at the place of incident as per the learned State Counsel, identified as the deceased and later person enter the premises and exiting shown to be Applicant referring to the said CCTV footage, learned State Counsel points out that it is clear that assailants enter the premises after the deceased and exited after executing the said crime, they made an exit from the place of crime.

15. It is contended further that the complaints made to the mother of the deceased, directly naming the Applicant and the co-accused, that she was under pressure and was threatened by the Applicant and his brother, she feared for her life, and ultimately she was found dead, and there is ample evidence.

16. Considering the CCTV footage that the Applicant and his brother were the last persons to enter the scene of the crime, after which the deceased was found dead, the learned

		State Counsel contends that the bail application may be rejected. 17. Besides the above, learned State Counsel also submits that “Dupatta” (long scarf worn by females) had also been recovered inside the double-bed of the deceased, which clearly indicates how the deceased had been strangled. 18. After hearing the rival submissions of the learned counsel for the parties and upon perusal of the CCTV footage exhibited before this Court, this Court finds that, at this stage and without entering into the merits of the matter, the identity of the persons seen entering the place of occurrence is not clearly discernible. The persons appearing in the footage are masked, and their facial features and overall appearance are unclear and blurred. Consequently, it cannot presently be conclusively stated that the said persons were the Applicant and his brother 19. No Test Identification Parade (TIP) has been conducted in the present matter to ascertain whether the persons appearing in the CCTV footage are in fact the present Applicant and his brother, whom the Complainant had named in the FIR while alleging threat perception to the deceased/victim. 20. So far as the ‘Dupatta’ (a long scarf traditionally worn by females) is concerned, the same constitutes a matter of evidence to be appreciated during trial. At this juncture, the said article cannot by itself be conclusively connected with the present crime in the absence of substantial corroborative material. Though the death of the deceased is alleged to have occurred by way of strangulation accompanied by physical assault, the material presently available does not clearly establish that the Applicant and his brother were the persons who committed the
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		alleged offence. 21. Considering the overall facts and circumstances of the case, the Applicant has made out a case for bail. 22. Accordingly, the bail application is allowed. It is directed that the Applicant - Abhay Yaduvanshi @ Abhay Kumar @ Raja, who has been accused in FIR No.0195 of 2025, dated 03.08.2025, under Section 103 (1) of BNS, at Police Station Mukhani, District Nainital, Uttarakhand, be released on bail on furnishing a personal bond with two reliable sureties each in the like amount to the satisfaction of the concerned court. The Applicant shall cooperate with the trial proceedings and shall not misuse the liberty granted to him. (Ashish Naithani, J.) 18.05.2026 Nitesh/
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