

| SL. No | Date | Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <div><br/>COURT'S OR JUDGES'S ORDERS<br/>2026:UHC:2374</div> |
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|        |      | <p><b><u>BA1 No. 90 of 2026</u></b><br/>Kaleem .....Applicant<br/>Vs.<br/>State of Uttarakhand .....Respondent<br/><b><u>Hon'ble Ashish Naithani, J.</u></b><br/>Mr. Abhishek Sati, learned counsel for the Applicant.</p> <p>2. Mr. S.S. Chauhan, learned Deputy Advocate General assisted by Mr. Vikash Uniyal, learned Brief Holder for the State of Uttarakhand.</p> <p>3. The present Bail Application has been moved by the Applicant—Kaleem, aged about 32 years, S/o Shri Kamaludin, R/o Bhagat Singh Colony, Raipur, Dehradun, District Uttarakhand. The Applicant is in judicial custody in connection with Sessions Trial No. 7206 of 2025 (FIR No. 261 of 2025), registered at Police Station Raipur, District Dehradun, for the offences punishable under Sections 109, 351(2), 352, and 74 of the B.N.S., 2023.</p> <p>4. Heard Mr. Abhishek Sati, learned counsel for the Applicant, and Mr. S.S. Chauhan, learned Deputy Advocate General for the State. Perused the record.</p> <p>5. Learned counsel for the Applicant contends that the Applicant has been falsely implicated in the present matter. It is submitted that the Applicant was arrested on 23.08.2025, i.e., with a delay of about 34 hours after the alleged incident. It is further contended that the alleged cutter recovered from the possession of the Applicant is doubtful, as there are no independent witnesses to support the recovery. It is also submitted that the charge-sheet has already been filed on 16.10.2026 under Sections 109, 351(2), 352, and 74 of the B.N.S., 2023, and the Applicant has been in judicial custody since his arrest. Learned counsel further argues that the entire prosecution story is false and fabricated. It is stated that the Applicant and the alleged</p> |                                                                                                                                                 |

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|  |  | <p>victim were in a consensual relationship for several months, and upon disclosure of the same to the victim's family, opposition arose. It is alleged that the Applicant was physically assaulted by the victim herself and, thereafter, false allegations were levelled to permanently separate the couple. It is further contended that the injuries attributed to the Applicant were not inflicted by him and, in any case, the injuries are simple in nature and not grievous. The medical officer has only made a speculative observation regarding a "deep cut" on the neck, stating that it could have been fatal, whereas in reality, no vital organ damage has been reported. It is also argued that no FSL report has been placed on record even after filing of the charge-sheet, and the prosecution case rests solely on interested witnesses without any independent corroboration. On these grounds, it is prayed that the Applicant be enlarged on bail.</p> <p>6. Per contra, learned State Counsel has opposed the bail application, submitting that the offence is serious in nature. It is contended that the medical report clearly indicates multiple injuries, including an incised wound on the neck which, as per the medical opinion, could have been fatal. It is further submitted that the victim has supported the prosecution case and that there are other witnesses who corroborate the prosecution story. The statement of the injured victim recorded under Section 183 of the B.N.S.S., 2023 clearly implicates the Applicant in the commission of the offence.</p> <p>7. Learned State Counsel further submits that the material on record establishes a prima facie case against the Applicant, leading to the filing of the charge-sheet. Considering the gravity of the offence, it is argued that the Applicant is not entitled to bail, and if released, there is a likelihood that he may abscond or tamper with evidence. Accordingly, prayer is made for rejection of the bail application.</p> <p>8. After hearing learned counsel for the parties and perusing the record, this Court is of the view that no sufficient grounds are made</p> |
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|  |  | <p>out for enlarging the Applicant on bail at this stage. The victim, in her statement recorded under Section 183 of the B.N.S.S., 2023, has specifically stated that the injuries sustained on her neck were inflicted by the Applicant using a weapon. The incident is stated to have occurred on 22.08.2025 at about 12 noon near a grocery shop and was witnessed by an eye-witness, namely the sister-in-law of the victim, who supports the prosecution version. The medical report also corroborates the injuries as alleged by the prosecution.</p> <p>9. In view of the above, this Court is not inclined to grant bail to the Applicant at this stage. Accordingly, the Bail Application is rejected.</p> <p>10. However, it is clarified that the observations made herein are only for the purpose of deciding the present bail application and shall not affect the merits of the case during trial.</p> <p>11. All pending applications, if any, stand disposed of.</p> <p style="text-align: right;"><b>(Ashish Naithani, J.)</b><br/>02.04.2026</p> <p>Shiksha</p> |
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