

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	 COURT'S OR JUDGES'S ORDERS 2026:UHC:2599
		<u>BA1 No. 166 of 2026</u> Jaitunisa Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. Siddharth Tomar, learned counsel for the Applicant through video conferencing. 2. Mr. Chitrarth Kandpal, learned Brief Holder for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicant—Jaitunisa, aged about 30 years, W/o Late Amjad, R/o Makkawala, Raipur, Dehradun. The Applicant is in judicial custody in connection with FIR/Case Crime No. 95 of 2023 (Sessions Trial No. 90 of 2023), registered at Police Station Rajpur, District Dehradun, for the offences punishable under Sections 302 and 201 of the IPC. 4. Heard Mr. Siddharth Tomar, learned counsel for the Applicant through video conferencing, and Mr. Chitrarth Kandpal, learned Brief Holder for the State. The record has been perused. 5. The main ground for consideration of bail is that the complainant has turned hostile and does not support the prosecution story. It is further submitted that the Arresting Officer failed to inform the Applicant of the grounds of arrest and did not duly communicate her arrest, which amounts to a violation of her constitutional rights. It is also submitted that the Applicant has been in custody since 03.04.2023, has been falsely implicated in the present case, and, being a woman, is entitled to the benefit of the provisions under Section 480(1) of the B.N.S.S. It is further submitted that she has no criminal history. 6. Per contra, learned State Counsel has opposed the bail application, submitting that as per the post-mortem report, the cause of	

		death is asphyxia, which has been duly corroborated by the medical officer who conducted the post-mortem. It is further submitted that there are eye-witnesses, the sons of the deceased Amjad, who support the prosecution case and have alleged the involvement of the Applicant. It is also contended that the Applicant, being the wife of the deceased, had a motive, as she suspected that the deceased was having an extramarital affair with another woman. Therefore, it is prayed that the bail application be rejected. 7. After hearing the rival submissions of learned counsel for the parties, this Court is of the considered view that, at this stage, no sufficient ground is made out for grant of bail. The contention that the complainant has turned hostile does not enure to the benefit of the Applicant at this stage, particularly in view of the prima facie statements of the eye-witnesses, which indicate the involvement of the Applicant in the alleged offence. 8. 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. 9. 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. 10. All pending applications, if any, stand disposed of. (Ashish Naithani, J.) 09.04.2026 SB
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