

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:2242
			BA1 No.183 of 2026 Rajat Vs. State of Uttarakhand <u>Hon'ble Ashish Naithani, J.</u> Mrs. Prabha Naithani, learned counsel for Applicant. 2. Mr. Dinesh Chauhan, learned AGA for the State. 3. Present bail application is filed by the applicant, who is in judicial custody in connection with FIR/Case Crime No.1018 of 2025 under Section 105 of Bhartiya Nayay Sanhita registered at P.S. Laksar, District Haridwar. 4. Heard learned counsel for the parties. 5. The grounds for consideration of bail as moved on behalf of the applicant is basically on two folds; firstly that the present matter is purely based on circumstantial evidence and as per records so far the applicant cannot be linked with the present crime as reported in the first information report and thereafter in the primary investigation. Secondly, applicant is though named in the FIR but there is no evidence as such that his name can be linked with the incident and lastly it is submitted that in the post mortem report it is clearly mentioned that the cause of death could not be ascertained. Thus, it is prayed that the applicant may be enlarged on bail and in case he be enlarged on bail he will not temper with the evidence and will not try to influence the witnesses and will adhere to the conditions of bail. 6. Learned State counsel opposed the bail application. He points out that it is specifically mentioned in the FIR which was lodged by the brother of the deceased that on 14.10.2025 that his 23 years old brother Nitin (deceased) was accompanied by three persons from his village namely, Kallu @ Kanwarpal and Ravi, both son of

			Kusumpal and Rajat, son of Ravi. It is reported that after having consumed the alcohol they have beaten his brother (deceased) and threw him in a <i>Jhord</i> (water pond). It is further reported that the dead body of his brother was recovered from the place of incident that is the pond on 16.10.2025. 7. Learned State counsel further stated that all the accused persons are linked to the present crime and there is specific statement of the last seen witness named, Mahkar wherein he has specifically stated in his statement that on 14.10.2025 at about 01:00 pm he met Kallu, Rajat and Nitin (deceased) near wine shop, who were under intoxication of alcohol and informed him that they consumed almost a bottle. He further stated that he saw Rajat, Kallu and Nitin (deceased) leaving in the motorcycle after and before that he states that after purchasing half bottle of liquor (named Magic Moments) all four of them consumed the same. 8. Referring to the last seen witness Mahkar, learned State counsel points out that it forms a chain whereby deceased can be said to be seen for the last time alive with the accused persons and that includes the present applicant. 9. After hearing learned counsel for the parties and on perusal of the records that is available before this Court, this Court is of the considered opinion that the grounds of bail at this juncture are found to be sufficient. 10. Firstly on the grounds that the post mortem report deals with the states of the dead body that was found in a pond of water in a decompound state with face of greenish black in colour, whole body greenish black in colour, skin peeled of many places of body, marbling present, Hair and nail loosen on pulling. The cause of death is not ascertained in the post mortem report and also time of death is said to be 4-6 days before the post mortem. Post mortem was conducted on 17.10.2025, just a day later when the dead body was recovered.
--	--	--	---

			11. Thus, without going into the merits, the state of decomposition narrated in the post mortem report clearly indicates that the dead body could not have fully decomposed within such a short duration between 4-6; the time of death is reported to be about 4-6 days prior to the date of conducting post mortem i.e. 17.10.2025. 12. Secondly, the matter is circumstantial and the chain of incident that lead to the death of the deceased, needs to be ascertained after evaluating the evidence on merits. Thereafter referring to one witness without corroboration at this juncture leaves a big gap for ascertaining of the links. 13. And lastly, since there seems to be an anomaly in the time of death of the deceased, it creates a doubt at this juncture for consideration of bail, whether the facts narrated in the FIR are recorded chronologically. 14. Accordingly, bail application is allowed. Let the applicant-Rajat be released on bail on executing a personal bond and two reliable sureties of the like amount to the satisfaction of court concerned. (Ashish Naithani, J.) 31.03.2026 Arti
--	--	--	--

--	--	--	--