

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S  2026:UHC:3115
			<u>BA1 No. 227 of 2026</u> Ganesh Chandra Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. Vikas Anand and Ms. Gyan Mati Kushwaha, learned counsel for the Applicant. 2. Mr. Dinesh Chauhan, learned A.G.A. for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicant—Ganesh Chandra, S/o Shri Puran Lal, R/o Ward No. 14, Rampura, P.S. Rudrapur, District Udham Singh Nagar. The Applicant is in judicial custody in connection with F.I.R. No. 575 of 2024, registered at Police Station Rudrapur, District Udham Singh Nagar, for the offences punishable under Sections 103(1), 238, 3(5) and 61(2) of B.N.S., 2023. 4. Heard Mr. Vikas Anand and Ms. Gyan Mati Kushwaha, learned counsel for the Applicant, and Mr. Dinesh Chauhan, learned A.G.A. for the State. Perused the record. 5. Learned counsel for the Applicant submits that the FIR is a delayed one and no reasonable explanation has been furnished in that regard, which creates serious doubt on the prosecution story. It is further submitted that the FIR was initially lodged against unknown persons. Learned counsel submits that the persons named by the father of the complainant, namely Nitin, brother of co-accused Renu, mother of Renu and one Sukhlal, were neither interrogated nor charge-sheeted by the police concerned, which casts doubt on the fairness of investigation. It is further submitted that the Applicant has been implicated only on the basis of

			confessional statements of co-accused persons, which are not admissible in evidence. Learned counsel further submits that the case of the present Applicant stands on parity with the co-accused persons, who have already been enlarged on bail and, therefore, the Applicant is also entitled to the same relief on the ground of parity. 6. Per contra, learned State Counsel opposed the Bail Application contending that there existed an illicit relationship between the wife of the deceased (Renu) and the present Applicant and due to such relationship, a conspiracy was hatched by the present Applicant along with co-accused Renu, Govinda, Shivam alias Judi, Deepak and Vansh. It is submitted that on the basis of material collected during investigation, involvement of the Applicant along with co-accused stands established on record and charge-sheet has accordingly been submitted against him and, therefore, he does not deserve to be enlarged on bail. 7. After hearing learned counsel for the parties and upon perusal of the record, this Court finds sufficient grounds to allow the bail application. Prima facie, the FIR was lodged against unknown persons and the implication of the present Applicant appears to have emerged during the course of investigation. The submission regarding delay in lodging of the FIR and the fact that certain named persons were not proceeded against are matters which may be examined during trial. Further, the present Applicant claims parity with co-accused persons who have already been enlarged on bail and no distinguishing circumstance has been pointed out at this stage so as to deny similar treatment to the Applicant. Considering the aforesaid facts, the nature of evidence collected, and without expressing any opinion on the merits of the matter, this Court is of the view that the present case is fit for grant of bail at this stage. 8. Accordingly, the Bail Application is allowed.
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