

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:2152
			<u>BA1 No. 233 of 2026</u> Naeem --Applicant Versus State of Uttarakhand --Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. D.S. Mehta, 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–Naeem, aged about 22 years, S/o Shri Saleem, R/o Bhagatpur Tanda, District Moradabad, Uttar Pradesh. The Applicant is in judicial custody in connection with FIR No. 0401 of 2025, registered at Police Station Ramnagar, District Nainital, for offences punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023. 4. Heard Mr. D.S. Mehta, learned counsel for the Applicant, and Mr. Dinesh Chauhan, learned A.G.A. for the State of Uttarakhand. Perused the record. 5. The Applicant is alleged to have murdered his own father, namely Saleem, by assaulting him with sticks, which were allegedly recovered at the instance of the Applicant during the course of investigation in the presence of police personnel and witnesses. The

		primary ground urged for grant of bail is that there is no motive or credible evidence linking the Applicant to the alleged offence. It is submitted that the deceased was living alone at Ramnagar (Puchdi Nayi Basti), whereas the Applicant and the co-accused (his brother- Nazim) were residing at Tanda, Moradabad. It is further submitted that the deceased was found dead in the morning by the complainant Raeesh (other son of the deceased), who used to provide him meals. On the previous day, when the complainant, the other son of the deceased, had visited, the deceased was alive; however, on the following day, he was found dead. It is also contended that the FIR was initially lodged against unknown persons and the Applicant has been falsely implicated at a later stage. Hence, it is prayed that the Applicant be enlarged on bail. 6. Learned State Counsel opposed the bail application and submitted that the deceased owned certain property in Moradabad and intended to sell the same. It is argued that this provided a motive for the Applicant and co-accused to eliminate the deceased for monetary gain. It is further contended that, on the date of the incident, the Applicant along with the co-accused was traced to the place of occurrence through mobile location data. 7. Considering the submissions advanced and the material available on record, this Court notes that
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		although the prosecution relies upon recovery of sticks and mobile location, at this stage, the alleged weapon is not conclusively connected with the offence in the absence of any forensic report. Further, mobile location evidence, by itself, is not conclusive. The alleged motive also requires deeper examination during trial. Moreover, the Applicant was not named in the FIR. 8. Thus, without expressing any opinion on the merits of the case, this Court is of the view that the Applicant is entitled to be released on bail. Accordingly, the Bail Application is allowed. 9. Let the Applicant be released on bail upon executing a personal bond and furnishing two reliable sureties of the like amount to the satisfaction of the Court concerned. 10. All pending applications, if any, stand disposed of. (Ashish Naithani, J.) 25.03.2026 Shiksha
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