

| SL. No. | Date | Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures | COURT'S OR JUDGE'S ORDERS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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|         |      |                                                                                                  | <p><u>BA1 No. 266 of 2026</u></p> <p>Rambhajan ..... Applicant</p> <p>Vs. .... Respondent</p> <p>State of Uttarakhand</p> <p><u>Hon'ble Ashish Naithani, J.</u></p> <p>Mr.Siddharth Bankoti, learned Legal Aid for the Applicant.</p> <p>2. Mr. Pradeep Lohani, learned AGA, for the State of Uttarakhand.</p> <p>3. In the present matter a bail application has been moved by the applicant though Jailor District Jail Haridwar who is in jail since 10.04.2025, in Case Crime No. 373 of 2015 under Section 304 of IPC registered at Police Station Kotwali, Jwalapur, District-Haridwar.</p> <p>4. That the learned counsel for the applicant submits that the applicant has been falsely accused in the said case and is innocent.</p> <p>5. That during the trial certain prosecution witnesses who are not eye witnesses, did not witness the incident and did not testify against the present applicant.</p> <p>6. The learned counsel for the applicant further submits that the deceased was an alcoholic and that he was struck by a vehicle while being in the state of intoxication, thereby resulting in his death.</p> <p>7. That the learned counsel for the applicant states that the present applicant has no motive to cause death of the deceased and also that he has no criminal history, therefore, he should be enlarged on bail.</p> <p>8. That the learned counsel for the State the instant case is</p> |

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|  |  | <p>of circumstances evidence there is no eye witness to the incident, but the conduct of the present applicant connects the applicant to the commission of the crime in hand.</p> <p>9. That the learned counsel for the State the present applicant and the deceased were together just prior to the incident, this fact is further substantiated by the aforesaid witnesses when they were examined before the learned trial court as PW-1, PW-2 and PW-3.</p> <p>10. That the learned counsel for the State the present applicant is the resident of State of U.P. and the crime which he has committed is a serious therefore, it he will be enlarged on bail there are chances of misuse of bail.</p> <p>11. Having heard learned counsel for the parties and upon perusal of the material placed on record, this Court finds that the case rests on circumstantial evidence and there is no direct eye-witness to the alleged occurrence. The circumstance of the applicant and the deceased being together prior to the incident is a matter which shall be tested during trial on the basis of evidence led by the prosecution. At this stage, this Court is not required to make a detailed appreciation of evidence or return any finding on the merits of the prosecution case.</p> <p>12. This Court also takes note of the fact that the applicant is in custody since 10.04.2025; the prosecution witnesses referred to by the State have already been examined before the learned trial court as PW-1, PW-2 and PW-3; and the applicant is stated to have no criminal history. The apprehension expressed by the State that the applicant may misuse the liberty of bail, particularly on account of his being</p> |
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|  |  | <p>a resident of another State, can be adequately taken care of by imposing stringent conditions.</p> <p>13. The seriousness of the offence is undoubtedly a relevant consideration; however, the same cannot be the sole ground to deny bail where the case is based on circumstantial evidence, the material witnesses referred to by the State have already been examined, the applicant has no criminal history, and his presence during trial can be secured by appropriate conditions. Without expressing any opinion on the merits of the case, this Court is of the view that the applicant has made out a case for grant of bail.</p> <p>14. Accordingly, the bail application is allowed.</p> <p style="text-align: right;">(Ashish Naithani, J.)<br/>12.05.2026</p> <p>Anand</p> |
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