



HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No. 271 of 2026

12th May, 2026

Faizan Applicant

Versus

State of Uttarakhand Respondent

Counsel Presence:

Mr. Rajat Mittal learned counsel for the applicant.

Mr. Pradeep Lohni learned counsel for the State Respondent.

Hon'ble Ashish Naithani, J (Oral)

The present first bail application has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 read with Section 439 of the Code of Criminal Procedure seeking release of the Applicant in connection with FIR dated 12.09.2025, registered as Case Crime No. 0261 of 2025, under Sections 140(1), 103(1), 238 and 61(2) of the Bharatiya Nyaya Sanhita at Police Station Vikasnagar, District Dehradun. The Applicant is in judicial custody since 27.09.2025.

2. The State's case, in brief, is that the Informant Gopal, father of deceased Riya Kashyap, lodged the FIR alleging that his daughter had earlier gone missing and during such period he came to know that co-accused Shahbaz had

allegedly been harassing her for a considerable time. The Informant expressed suspicion that Shahbaz had enticed away his daughter with an intention to kill her and thereafter make her disappear.

3. During investigation, the Investigating Officer allegedly collected the call detail records of the deceased and the co-accused persons and thereafter the role of co-accused Shahbaz surfaced. It is the prosecution case that after Shahbaz was taken into custody, he allegedly disclosed that the present Applicant along with him had taken the deceased on a motorcycle and thereafter committed her murder by strangulation using her scarf/dupatta and subsequently threw the dead body into a canal with an intention to conceal the evidence of offence.

4. The State further claims that CCTV footage was collected during investigation wherein the Applicant, co-accused Shahbaz and the deceased were allegedly seen travelling together on a motorcycle, the Applicant allegedly being the rider thereof. The Applicant thereafter came to be arrested on 27.09.2025.

5. Learned counsel for the Applicant would submit that the Applicant has been falsely implicated and there exists no direct evidence connecting him with the commission of the alleged offence. It is submitted that the entire State's case



rests solely upon circumstantial evidence and the chain of circumstances is incomplete and inconclusive.

6. Learned counsel for the Applicant further submits that the FIR itself does not specifically name the present Applicant and his implication has subsequently arisen only on the basis of the disclosure statement allegedly made by co-accused Shahbaz during investigation. It is submitted that except such disclosure statement, there is no legally admissible and substantive evidence directly establishing involvement of the Applicant in the alleged murder.

7. Learned counsel for the Applicant would further argue that the alleged CCTV footage merely shows the presence of the deceased with the Applicant and co-accused at some earlier point of time and the same by itself does not establish participation of the Applicant in the alleged offence of murder. It is submitted that no eye witness of the occurrence exists and there is no scientific or forensic material conclusively connecting the Applicant with the alleged strangulation.

8. Learned counsel for the Applicant further submits that no incriminating recovery has been effected from the possession or at the instance of the present Applicant and even the alleged recovery of scarf/dupatta does not conclusively establish his involvement. It is submitted that



the State's story presently rests primarily upon suspicion and assumptions.

9. Learned counsel for the Applicant also submits that the FIR came to be lodged after an unexplained delay of approximately five days from the alleged disappearance of the deceased, despite the family allegedly having knowledge regarding the missing status of the deceased since 07.09.2025. It is submitted that such delay creates doubt regarding the State's version.

10. Learned counsel for the Applicant would further argue that the investigation in the present matter stands completed and charge sheet has already been submitted before the competent court and therefore no further custodial interrogation of the Applicant is required. It is submitted that the possibility of tampering with evidence now stands substantially reduced.

11. Learned counsel for the Applicant also submits that the Applicant is aged about 19 years, has no criminal antecedents and has remained in judicial custody since 27.09.2025. It is argued that continued incarceration of a young first time offender during pendency of a trial based upon circumstantial evidence would be unjustified.

12. Learned counsel for the Applicant further argues that

the grounds of arrest were not properly communicated to the Applicant at the time of his arrest and remand and therefore the arrest proceedings themselves suffer from procedural infirmities under the provisions of BNSS, though such issue is ultimately a matter to be considered at an appropriate stage.

13. Per contra, learned AGA for the State has opposed the bail application and submitted that the offence alleged against the Applicant is grave and serious in nature involving the murder of a young woman.

14. Learned AGA submits that during investigation, sufficient material has been collected connecting the Applicant with the commission of offence. It is submitted that the call detail records and CCTV footages collected during investigation prima facie establish the presence of the Applicant along with the deceased and co-accused immediately prior to the occurrence.

15. Learned AGA further submits that the co-accused Shahbaz has specifically assigned an active role to the present Applicant in commission of the offence and disposal of the dead body.

16. Learned AGA would further submit that the seriousness of allegations, coupled with the nature of accusations and

material collected during investigation, disentitles the Applicant from grant of bail. It is submitted that release of the Applicant at this stage may adversely affect the fair conduct of trial.

17. This Court has heard learned counsel for the parties and has perused the material brought on record.

18. The present matter admittedly rests upon circumstantial evidence. There is no eye witness account of the alleged occurrence. The case against the present Applicant principally proceeds on the basis of the alleged disclosure statement of co-accused Shahbaz, CCTV footage allegedly showing the Applicant, co-accused and the deceased travelling together on a motorcycle and the call detail records collected during investigation.

19. At the stage of consideration of bail, this Court is not expected to undertake a meticulous appreciation of evidence or record findings touching upon the final merits of the State's case. However, the broad probabilities emerging from the material collected during investigation are required to be examined for the limited purpose of determining whether continued incarceration of the accused during pendency of trial is justified.

20. So far as the implication of the present Applicant is

concerned, it appears that the FIR itself did not specifically attribute any overt role to him and his name surfaced during investigation primarily on the basis of the disclosure statement allegedly made by co-accused Shahbaz. The evidentiary value and admissibility of such statement, particularly against a co-accused, would ultimately be tested during trial in accordance with law.

21. The CCTV footage relied upon by the State, at this stage, prima facie indicates that the deceased was seen travelling along with the Applicant and co-accused Shahbaz. However, the said circumstance by itself would still require further corroboration during trial in order to conclusively establish participation of the Applicant in the commission of the alleged offence of murder. The extent to which such electronic evidence ultimately completes the chain of circumstances is a matter which can only be conclusively appreciated after evidence is led before the trial court.

22. It further appears that the case of the State is entirely based upon a chain of circumstances and such chain is yet to undergo judicial scrutiny during the course of trial. The prosecution has not pointed out the existence of any direct eye witness account of the alleged act of strangulation.

23. Another significant aspect which cannot be ignored by this Court is that the investigation in the present matter

already stands completed and the charge sheet has been submitted before the competent court. Thus, no further custodial interrogation of the Applicant is stated to be required.

24. The Applicant is stated to be about 19 years of age and has no criminal antecedents. Nothing has been brought on record by the State to indicate that the Applicant had earlier misused liberty or attempted to evade the process of law.

25. Though the allegations levelled against the Applicant are undoubtedly grave in nature, yet gravity of offence alone cannot be made the sole basis for denial of bail, particularly when the State's case rests upon circumstantial evidence and the trial is likely to take considerable time for its conclusion.

26. Considering the overall facts and circumstances of the case, the nature of evidence collected during investigation, the absence of criminal antecedents, the young age of the Applicant, the fact that the investigation stands completed and without expressing any opinion upon the merits of the matter, this Court is of the view that the Applicant has made out a case for grant of bail.

27. The bail application is allowed.

28. Let the Applicant, namely Faizan, be released on bail in



connection with FIR dated 12.09.2025 registered as Case Crime No. 0261 of 2025, under Sections 140(1), 103(1), 238 and 61(2) of the Bharatiya Nyaya Sanhita at Police Station Vikasnagar, District Dehradun, on his furnishing a personal bond and two reliable sureties, each of the like amount, to the satisfaction of the court concerned.

(Ashish Naithani, J.)
12.05.2026

Anand/