

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:2875
			<u>BA1 No. 390 of 2026</u> Tayyab Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. Mohd. Imran, learned counsel for the Applicant. 2. Mr. N.S. Kaniyal, learned A.G.A. for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicant—Tayyab, S/o Isakat Hussain, R/o Village Nawabganj, Bijoriya Road, P.S. Nawabganj, District Bareilly, Uttar Pradesh. The Applicant is in judicial custody in connection with FIR No. 424 of 2025, registered at Police Station Kichha, District Udham Singh Nagar, for the offences punishable under Sections 305(a), 317(2) of the B.N.S., 2023. 4. Heard Mr. Mohd. Imran, learned counsel for the Applicant, and Mr. N.S. Kaniyal, learned A.G.A. for the State. Perused the record. 5. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the present case and is in judicial custody since 30.12.2025. It is further submitted that the Applicant is not named in the FIR, as the same has been lodged against unknown persons. It is argued that there is no credible evidence or material on record against the Applicant and he has been unnecessarily harassed by the police. It is further submitted that the Applicant has no criminal history. It is also submitted that there has been no recovery from the possession of the Applicant, and therefore, no offence under Sections 305(a) and 317(2) of the B.N.S. is made out against him.

		6. Learned counsel for the Applicant further contends that the implication of the Applicant is based on suspicion and informant's rivalry. It is also argued that there are no independent witnesses and the entire prosecution story is doubtful. It is lastly submitted that the name of the Applicant surfaced only on the basis of disclosure statements of co-accused persons before the police, which are not reliable pieces of evidence. 7. Per contra, learned A.G.A. for the State opposed the Bail Application and submitted that during interrogation, the Applicant confessed his involvement in the commission of the offence and also led to the recovery of stolen money from his house. It is further submitted that the offence alleged is of serious nature and there is direct involvement of the Applicant. It is also argued that if the Applicant is released on bail, he may misuse the liberty of bail. 8. This Court has considered the submissions advanced by learned counsel for the parties and perused the material available on record. 9. The contention of the learned counsel for the Applicant that he is not named in the FIR does not hold much significance at this stage, inasmuch as the FIR was lodged against unknown persons and the involvement of the Applicant has surfaced during the course of investigation. The material available on record <i>prima facie</i> indicates that the Applicant was involved in the commission of the alleged offence. As per the prosecution case, the Applicant not only confessed his involvement but also led to the recovery of stolen money from his house, which lends support to the prosecution version. The submissions regarding absence of independent witnesses, alleged false implication, and unreliability of disclosure statements are matters of evidence, which cannot be examined in detail at the stage of consideration of bail.
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