



| 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><b><u>BA1/561/2025</u></b></p> <p>Rahul</p> <p style="text-align: right;">--Applicant</p> <p style="text-align: center;"><b>Versus</b></p> <p>State Of Uttarakhand</p> <p style="text-align: right;">--Respondent</p> <p><b><u>Hon'ble Rakesh Thapliyal, J.</u></b></p> <ol style="list-style-type: none"> <li>1. Mr. Siddhant Manral, learned legal aid counsel for the applicant.</li> <li>2. Mr. Bhaskar Chandra Joshi, learned A.G.A. with Mr. Vijay Khanduri, learned Brief Holder for the State.</li> <li>3. The present applicant 'Rahul' S/o Late Madan praying for bail in reference to First Information Report dated 10.02.2023 bearing FIR No. 0139 of 2023 P.S. Laksar, District Haridwar lodged against the unknown persons for the offence punishable under section 365 of IPC and on completion of the investigation in total four persons were chargesheeted and summoned to face the trial for the offences punishable under sections 302, 34, 328, 201, 120B, 376(2)(n) of IPC and section 5(m)(n)/6 of POCSO Act.</li> <li>4. It is argued by the learned counsel for the applicant that the applicant is innocent and is not named in the FIR and languishing in jail since 13.03.2023 and he has been implicated only on the statement of the other co-accused, the minor sister of the deceased, who was also convicted by the Juvenile Justice Board. He submits that except the statement of the co-accused, who was juvenile the sister of the deceased there is no any linked evidence and since the present applicant is in prolong incarceration of more than three years and there is no possibility that trial would be expedited soon since uptill date out of 35 prosecution witnesses only 16 witnesses have been examined, therefore, taking into consideration the long incarceration which the applicant has suffered he be released on bail.</li> </ol> |



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|  |  | <p>5. On the previous date, the Coordinate Bench directed to place before this court the statement of the co-accused recorded under section 164 of Cr.P.C. and today learned A.G.A. has placed before this court.</p> <p>6. The I.O. is also present in court. It is a case in which the present applicant take active participation in the commission of crime for killing the brother of the co-accused, who was juvenile at the time of the incident and other accused persons <i>namely</i> Krishna and Sohail have also associate with him and the applicant is the main accused since he was in love with the sister of the deceased and then in an organized manner the applicant with the sister of the deceased and the other co-accused conspired and commit the crime. Though the applicant is languishing in jail since 13.03.2023 but the fact remains the manner in which this crime was committed in association with the minor sister of the deceased and then on pointing out of the present applicant the dead body was also recovered appears to be serious in nature and if at this juncture when the trial is going on the applicant is enlarged on bail there may be a possibility that he may make an attempt to influence the witness in association with the minor sister of the deceased, therefore, at this juncture, this court is of the view that the applicant does not deserve for bail.</p> <p>7. Accordingly, the instant bail application lacks merit and is rejected.</p> <p>8. Taking into consideration that the present applicant is languishing in jail since 13.03.2023 and out of 35 prosecution witnesses uptill date 16 prosecution witnesses have been examined and perhaps most of the star witnesses have been examined, therefore, the Trial Court is directed to expedite the trial as early as possible preferably within six months from the date of production of certified copy of this order.</p> <p>9. Registry is directed to forward the copy of order to the concerned Trial Court.</p> <p style="text-align: right;"><b>(Rakesh Thapliyal, J.)</b><br/>07.07.2026</p> |
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