



IN THE HIGH COURT OF UTTARAKHAND

AT NAINITAL

First Bail Application No. 600 of 2026

Zaheer

.....Applicant

Vs.

State of Uttarakhand .

.....Respondent

Counsel Presence:

Mr. Yogesh Upadhyay learned counsel for the Applicant.

Mr. N.S. Kanyal, learned AGA for the State and Mr. Dinesh Chauhan,
learned Brief Holder for the State Respondent

Hon'ble Ashish Naithani, J.

Present bail application has been moved by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking enlargement on bail in connection with FIR/Case Crime No. 13 of 2026, registered at Police Station I.T.I, District – Udham Singh Nagar, U/s 108, 318(4), 352, 351(2) of the Bharatiya Nyaya Sanhita 2023, relating to the alleged offence of abetment of suicide.

2. The facts, in brief, are that an FIR came to be lodged alleging commission of offences pertaining to abetment of suicide. During the course of investigation, the present applicant-Zaheer came to be implicated by the investigating agency primarily on the basis of certain alleged telephonic conversations and statements recorded during investigation.

3. Heard learned counsel for the parties and perused the material available on record.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and is innocent of the offences

alleged against him. It is submitted that there is no direct or substantive material available on record connecting the applicant with the alleged commission of offence.

5. It is further submitted that several named accused persons have already approached this Hon'ble Court by way of writ petitions and have been granted interim protection. Learned counsel submits that the case of the present applicant stands on similar footing and therefore the principle of parity is also attracted in favour of the applicant.

6. It is further argued that the principal allegation against the applicant is based upon certain alleged phone calls said to have taken place in the year 2025. However, at the relevant point of time, no complaint, report or grievance whatsoever was ever lodged against the applicant by either the informant or the deceased. Learned counsel submits that the belated reliance upon such telephonic conversations, without any contemporaneous complaint, substantially weakens the State case.

7. Learned counsel for the applicant further submits that there is no allegation or material to indicate that the applicant ever received any monetary amount from the deceased or the informant. It is also submitted that the applicant never extended any threat, coercion or intimidation to either the deceased or any member of the family.

8. It is argued that there is no conclusive or legally admissible material available on record to prima facie establish the ingredients necessary for constituting the offence of abetment of suicide. It is further submitted that there is no independent witness who has attributed any overt act to him, and the entire State's case appears to be based on assumptions and conjectures without any direct nexus between the conduct of the applicant and the unfortunate incident.

9. It is also submitted that the investigation in the matter already stands substantially completed and the custodial interrogation of the applicant is no longer required. The applicant is in judicial custody since 09.02.2026 and has fully cooperated with the investigation.

10. Per contra, learned State counsel opposed the bail application and submitted that the allegations against the applicant are serious in nature and therefore he does not deserve to be enlarged on bail.

11. Learned State counsel further submitted that during the course of investigation, material was collected indicating continuous communication between the applicant and the deceased and such telephonic conversations form an important part of the prosecution case. It is argued that the conduct of the applicant had a direct bearing upon the mental condition of the deceased.

12. Learned State Counsel also submits that the investigation has revealed involvement of the applicant along with other accused persons and the matter is still at a sensitive stage. It is contended that if the applicant is enlarged on bail, there exists every possibility of influencing witnesses or interfering with the course of trial.

13. It is further submitted on behalf of the State that the gravity and seriousness of the allegations are required to be considered while adjudicating the present bail application and therefore no indulgence is liable to be granted to the applicant at this stage.

14. This Court finds that the State's case against the present applicant is primarily based upon alleged telephonic conversations and circumstantial material, the evidentiary value whereof shall be tested during trial.

15. This Court further finds that no direct evidentiary material has been placed before this Court at this stage to prima facie establish that

the applicant had intentionally instigated, provoked or aided the commission of suicide. The essential ingredients required for constituting the offence of abetment of suicide are matters requiring detailed adjudication during trial.

16. It also appears from the material placed before this Court that the alleged phone calls relied upon by the prosecution pertain to the year 2025 and admittedly no complaint or report was lodged against the applicant at the relevant point of time. The absence of any contemporaneous complaint is a factor which cannot be ignored at the stage of consideration of bail.

17. This Court also takes note of the submission that certain co-accused persons have already been granted interim protection by this Hon'ble Court. The principle of parity is therefore also required to be kept in mind while considering the prayer for bail of the present applicant.

18. The material available on record does not prima facie indicate that the applicant had received any monetary benefit from the deceased or that he had extended threats or intimidation to the deceased or the informant. No independent witness has come forward attributing any overt act to the applicant.

19. The applicant is in judicial custody since 09.02.2026 and the investigation in the matter already stands substantially completed. The continued incarceration of the applicant, particularly in absence of strong prima facie material, would serve no useful purpose.

20. There is nothing on record to suggest that the applicant has any previous criminal antecedents or that he is a habitual offender. No material has been placed before this Court indicating that, if enlarged on bail, the applicant is likely to abscond, tamper with prosecution evidence or influence witnesses.

21. It is settled principle of criminal jurisprudence that at the stage of consideration of bail, a detailed appreciation of evidence is not required and the Court is only expected to form a prima facie opinion on the basis of material available on record. The guilt of the accused is yet to be established during trial and continued incarceration before conclusion of trial would amount to pre-trial punishment.

22. Considering the nature of allegations, the material available on record, absence of direct incriminating evidence, lack of substantive material showing intentional instigation, absence of independent witnesses, absence of any contemporaneous complaint regarding the alleged phone calls, principle of parity, period of incarceration already undergone by the applicant and without expressing any opinion on the merits of the case, this Court is of the considered opinion that the applicant has made out a fit case for grant of bail.

ORDER

Accordingly, the bail application is **allowed**.

Let the applicant Zaheer be released on bail on furnishing a personal bond and two reliable sureties each in the like amount to the satisfaction of the Court concerned.

(Ashish Naithani, J.)

14.05.2026

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