

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S  2026:UHC:4293
			<u>BA1 No. 937 of 2026</u> <u>Hon'ble Ashish Naithani, J.</u> Mr. Akshay Joshi, learned counsel for the Applicant. 2. Mr. Vikash Uniyal, learned Brief Holder for the State of Uttarakhand. 3. Heard learned counsel for the parties and perused the record. 4. The present Bail Application has been moved by the Applicant, Ramesh Ram, S/o Ani Ram, R/o Village Kismilla, P.S. Kapkot, District Bageshwar, Uttarakhand, who is in judicial custody in connection with FIR No. 01 of 2025, registered at Police Station Revenue Area Kalasila, Berinag, District Pithoragarh, for offences punishable under Sections 87, 140(1), and 3(5) and 238 of the Bharatiya Nyaya Sanhita, 2023. 5. Learned counsel for the Applicant, while pressing the present bail application, submitted that the Applicant has been falsely implicated in the present case and has been in judicial custody since 11.12.2025. 6. It is contended that there is no independent witness to support the prosecution case, and no motive has been attributed either to the present Applicant or to any of the co-accused persons. 7. It is further submitted that the missing person report was lodged by the informant after an unexplained delay of four days and the FIR came to be registered on 30.09.2025, i.e., after a delay of about eighteen days from the date of the alleged kidnapping of Ms. Sunita Devi. According to the Applicant, such a delay materially affects the reliability of the prosecution case and the evidence allegedly collected during the investigation. 8. Learned counsel for the Applicant further submits that the

			alleged recovery of the purse and other belongings of Ms. Sunita Devi has not been attributed to any specific accused person. Rather, the recovery is stated to have been made at the instance of all four accused persons collectively, which renders the prosecution story doubtful. 9. It is also submitted that neither the Applicant nor the co-accused persons possessed any vehicle capable of transporting the victim or a dead body over such a long distance. Furthermore, learned counsel for the Applicant further submits that two co-accused persons, who were arrested along with the present Applicant, have already been enlarged on bail and, therefore, the Applicant is entitled to parity. 10. It is said that the dead body recovered from Tanakpur, District Champawat, which is situated more than 200 kilometres away from the place of the alleged incident, has not been established to be that of the missing victim. 11. It is submitted that neither has the identity of the deceased been conclusively linked with Ms. Sunita Devi nor has any post-mortem report been brought on record indicating the cause or approximate time of death. 12. It is lastly contended that a DNA sequencing was conducted on the dead body so recovered and alleged to be of the missing person known as Ms. Sunita Devi for ascertaining her identity; but the DNA report concludes that the dead body was that of a “MALE” human being and not of a “FEMALE”, which makes all allegations against the Applicant unfounded. 13. It is requested thus that the Applicant be immediately released on bail. 14. Per contra, learned State Counsel opposed the bail application and submitted that the allegations against the Applicant are grave
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		and serious in nature. However, he could not dispute the fact that two co-accused persons have already been granted bail, nor the fact that as per the DNA/FSL report, the body recovered during investigation was found to be that of a male. 15. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that this is a fit case for enlarging the Applicant on bail who is in judicial custody since 11.12.2025. 16. The record reveals that, as per the findings of the Forensic Science Laboratory, referred to in paragraph no. 12 of the case diary, the dead body recovered during the investigation, which was initially suspected to be that of the missing victim, was found on DNA examination to be of a male and not of a female. 17. The Court also takes note of the fact that two co-accused persons have already been enlarged on bail and no distinguishing circumstance has been pointed out by the prosecution so as to deny the benefit of parity to the present Applicant. 18. Prima facie, therefore, the scientific evidence presently available on record does not support the prosecution's identification of the recovered dead body as that of the missing woman. 19. At this stage, no material has been brought to the notice of this Court conclusively establishing that the recovered dead body was in fact that of Ms. Sunita Devi. The aforesaid discrepancy assumes considerable significance, particularly when the prosecution case proceeds on the premise that the recovered dead body was that of the missing victim. 20. Without expressing any final opinion on the merits of the case, this Court finds that the aforesaid circumstance, emerging from the scientific evidence placed on record, constitutes a substantial factor weighing in favour of the Applicant for the
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		purposes of consideration of bail. 21. Accordingly, the Bail Application is allowed. 22. Let the Applicant, namely Ramesh Ram, be released on bail, upon furnishing a personal bond and two reliable sureties, each in the like amount, to the satisfaction of the court concerned. 23. It is made clear that any observation made hereinabove is only for the purpose of adjudication of the present bail application and shall not be construed as an expression on the merits of the case. 24. All pending applications, if any, shall stand disposed of. (Ashish Naithani, J.) 30.05.2026 Shiksha
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