

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	UKHC010095062026  2026:UHC:7127 COURT'S OR JUDGE'S ORDERS
			<u>BA1/975/2026</u> Kishor Rao Alias Ajay --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> Ms. Sangeeta Bhardwaj, learned counsel for the applicant. 2. Mr. Himanshu Sain, learned AGA for the State. 3. The instant bail application is moved on behalf of the applicant-Kishor Rao @ Ajay, R/o Bangalore, Karnataka seeking regular bail in relation to a first information report dated 24.07.2025 bearing FIR No.0064 of 2025, P.S. Muni-Ki-Reti, District Tehri Gahrwal wherein he has been implicated for the offences punishable under Sections 305(A), 318(4), 336 (3), 338, 340 of BNS, 2023. 4. The FIR was lodged by one Naresh Kumar with the allegation that on 19.07.2025 he found that his Apple Macbook was stolen with one mobile phone and a purse containing Debit Card, Credit Card, Adhar Card including Voter Card and Rs.1,000/- cash and a huge amount were withdrawn by using Debit Card as well as Credit Card and when the informant inquired from the Customer Care Centre then they informed that through UPI online transaction an amount of Rs.5,76,166.90/- were withdrawn through Debit Card and also by using Credit Card, the payments were made through Paytm in E commerce Site, Noida and

		immediately he has freeze his account but in the meantime more than Rs.10.00 lacs. were withdrawn through online transaction. He has also made a complaint in Cyber Portal. 5. It is argued by learned counsel for the applicant that the applicant is innocent and has been falsely implicated and the story as cooked up in the FIR, is completely imaginary since the present applicant has no knowledge about the password of the cards and in absence of the same it is highly unbelievable that the applicant can withdraw or transfer or purchase by using the cards. She further argued that the applicant was arrested on 23.01.2026 but the arrest memo does not reflect any ground of arrest and as such his arrest is bad. She further argued that the charge sheet has already been filed and, therefore, there is no any scope of tempering with the evidence. 6. Per contra, Mr. Himanshu Sain, learned AGA seriously opposed the bail application by submitting that investigation reveals that the present applicant by using Debit Card, Credit Card as well as Aadhar Card purchased the jewellery and other items and also did online shopping. He further submits that there are CCTV footages and some of them have also been enclosed alongwith its transcription also and during investigation sufficient materials has been collected and charge sheet has been filed against the applicant for the offences punishable under Sections 305(A), 318(4), 336(3), 338 and 304 of BNS, 2023. Apart from this, learned AGA for the State also submits that the present applicant have criminal antecedents and
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		some of the cases relating to the same nature of allegations, the details of which are as under:- i. Case Crime No.296 of 2024 for the offences punishable under Section 305 of BNS, 2023, P.S. Indranagar, Bangalore Karnataka. ii. Case Crime No.79 of 2023 for the offence punishable under Section 380 IPC, P.S. Sadar Gangtok Sikkim, iii. Case Crime No.58 of 2025 for the offences punishable under Section 305, 318(4) BNS, 2023, P.S. Vidhan Nagar 24 Pargana West Bengal. iv. Case Crime No.52 of 2025 for the offence punishable under Section 316(2), 318(4) BNS, 2023, P.S. Cyber Crime Hawda, West Bengal. The learned AGA concludes his argument by submitting that the present applicant is habitual offender, which is evident from his criminal antecedents, therefore, the applicant does not deserve for bail. 7. After hearing the submission of learned counsel for the parties and taking into consideration that applicant is habitual offender as evident from his criminal antecedents that too in different parts of the country that is the State of Karnataka, Sikkim and West Bengal and so far as the present case is concerned, sufficient evidence has been collected while submitting the charge sheet and as well as after pursuing the CCTV footages, this Court does not find any good ground to enlarge the applicant on bail.
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