

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS UKHC010099522025  2026:UHC:7599
			<u>UKHC010099522025</u> <u>BA1/1155/2025</u> Geeta Sahu --Applicant Versus State of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> Mr. Vikas Anand, Ms. Gyan Mati Kushwaha, learned counsel, for the applicant. 2. Mr. B.C. Joshi, learned AGA for the State of Uttarakhand. 3. Mr. Avidit Noliyal, learned counsel for the complainant. 4. The present applicant - Geeta Sahu W/o Anil Shahu, is praying for bail in reference to FIR dated 31.05.2025 bearing FIR No.149 of 2025, Police Station Banbhulpura, District Nainital, which was lodged by one Radhe Shyam Rawat, implicating the present applicant and her husband - Anil Shahu, for killing the brother of the informant at the night of 30.05.2025 at about 11:30 PM, wherein, the present applicant are alongwith her husband implicated and chargesheeted for the offences punishable under Sections 103 (1) and 61 (2) of BNS, 2023. 5. It is argued by learned counsel for the applicant that the applicant is innocent and has been falsely implicated and is languishing in jail since 31.05.2025. He further submits that the applicant's husband is also an accused in this offence and he is also languishing in jail since 31.05.2025. He submits that firstly the incident was happened in the house of the applicant at about 11:30 PM in the night and there was some hot talks in between the deceased and her husband and when the applicant apprehends that any untoward incident may be happened, she immediately call to the brother of the deceased that your brother is injured and come immediately to save his life. He submits that the applicant is implicated only because of the reason that she was present at the time of the incident and this aspect has not been investigated by the Investigating

		Officer that the applicant being the house lady of the house and was living there with her husband in the same house, and it is quite natural that at the time of the incident she may be present at the place, since the incident was happened in her house but this aspect has not been dealt with that after the incident, she immediately call the informant as well as to the Police by dialling 112. Apart from this, he submits that the informant during investigation raised certain allegations with regard to illicit relationship of the applicant with the deceased, which is very hypothetical and without any substance. He further submits that as per the post-mortem report the cause of death is due to the Ante-mortem injuries. Apart from this, he submits that there are in total 22 prosecution witnesses but up till date only 2 prosecution witnesses has been examined and there is no possibility that the trial would be expedited soon. He further submits that the applicant is a married woman and having two children and is languishing in jail since last more than one year and there is no substantial progress in the trial, therefore, in such an eventuality, she is entitled to get the privilege in terms of Section 480 of BNSS, 2023. He further submits that the applicant have no previous criminal antecedents. 6. On the other side, Mr. Avidit Noliyal, learned counsel for the complainant seriously opposed the bail application by submitting that it is a cold blooded murder and the applicant and her husband in a well planned organized manner committed this crime, therefore, she does not deserve for bail. He further submits that merely on the ground that applicant is a lady, she cannot be given the privilege in terms of Section 480 of BNSS, 2023, since the offence is heinous one. 7. On the other side, learned AGA submits that after collecting all credible evidence, the chargesheet has been filed and the trial has been commenced and taking into consideration that it is a heinous crime, the applicant should not be enlarged on bail, however, he fairly submits that there is no substantial progress in the trial since out of total 22 prosecution witnesses up till date only 2 prosecution witnesses has been examined. 8. After hearing the submissions of the learned counsel for the parties, and taking into consideration that the present applicant is languishing in jail since last
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		more than one year and she is a married woman having two childs and there is no substantial progress in the trial, this Court is of the view that the applicant deserves for bail. 9. Accordingly without expressing any opinion on the merits of the case, the instant bail application is allowed. 10. Let the applicant - "Geeta Sahu", be released on bail, on her executing a personal bond and furnishing two reliable sureties, each of the like amount to the satisfaction of the Court concerned, subject to the following conditions:- a) After being released on bail the applicant shall join the Trial Court proceedings on each and every date without seeking any unnecessary adjournment. (b) The applicant shall not tamper with the evidence or to threaten the witnesses acquainted with the facts of the case. (d) On breach of any such conditions, the prosecution is directed to move an application for cancellation of bail. 11. In addition to this, Trial Court shall make all possible efforts to expedite the trial as early as possible without being influenced with any observations, as above. (Rakesh Thapliyal, J.) 21.08.2026 Nitesh/
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