

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS  2026:UHC:4996
			<u>BA 1st No.1398 of 2025</u> <u>Hon'ble Rakesh Thapliyal, J.</u> Ms. Poorvi Chaudhary, learned counsel holding brief of Mr. Tarun Pande, learned counsel for the applicant. 2. Ms. Rangoli Purohit, learned Brief Holder, for the State of Uttarakhand. 3. The present applicant - Kamal Rawat @ Bhatua @ Michael, is praying for bail in reference to Session Trial No.10 of 2024, "State Vs. Kamal Rawat @ Bhatua @ Michael" arising out of FIR dated 08.11.2023 bearing FIR No.304 of 2023, Police Station Mukhani, District Nainital, wherein, three persons Siddharth @ Sindhu, Mayank Kanyal and Kamal Rawat, have been implicated for the offence punishable under Section 302 of IPC. 4. On this FIR, during investigation two other persons, namely, Siddharth @ Sindhu and Mayank Kanyal, were exonerated and the chargesheet has been filed only against the present applicant. 5. It is argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated and there is no eye witness of the alleged incident and only on the basis of the CCTV footages and CDR location, the applicant has been implicated. She submits that the chargesheet has been filed in a very mechanical manner and as per prosecution, there are in total 28 prosecution witnesses and up till date only 10 prosecution witnesses have been examined. She further submits that the present applicant is languishing in jail since 22.11.2023 and the applicant have no criminal antecedent. She also submits that up till date 10 prosecution witnesses have been examined but as a matter of fact none of the witnesses were the eye witness of the incident. She further submits that there is no possibility that trial would be expedited soon. 6. Per contra learned Brief Holder for the State submits that there is sufficient material against the

		present applicant and even as per the statement one of the star witness Mayank Kanyal, the applicant was last seen with the deceased. She further submits that not only this, the deceased make a call to his friend, namely, Akanksha through mobile of present applicant that too after 03:07 AM of 01.11.2023 about such call of deceased with Akanksha was also admitted by the father of the deceased. She also submits that even as per CDR location and the CCTV footages, the applicant was with the deceased at the time of incident. 7. In reference to the long incarceration, learned Brief Holder for the State submits that most of the star witnesses have already been examined and only few of them have to be examined and there may be possibility that the trial would be expedited soon, however only on this ground, the applicant does not deserves for bail and learned Trial Court may be directed to expedite the trial. 8. After hearing the arguments of the learned counsel for the parties, and taking into consideration that the statement of the witnesses as well as CDR location and other evidence, I do not find any good ground to enlarge the applicant on bail and the same is rejected. However, the Trial Court is directed to expedite the trial as expeditiously as possible without being influenced with the observation as above. (Rakesh Thapliyal, J.) 17.06.2026 Nitesh/
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