SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1 No.1486 of 2025 **Hon'ble Alok Mahra, J.** Mr. M.K. Ray, Advocate for the applicant. Mr. Prabhat Kandpal and Mr. S.C. Dumka, A.G.A. for the State of Uttarakhand. 2. This first bail application has been moved by the applicant seeking regular bail in F.I.R. No.160 of 2024, under Sections 103(1) of B.N.S., registered at Police Station Mukhani, District Nainital. 3. An F.I.R. was lodged by the complainant against the applicant alleging therein that the applicant had taken the complainant's son along with him to a nearby forest, from where the dead body of the deceased was subsequently recovered. It is further alleged in the F.I.R. that the complainant's brother-in-law had seen the applicant and the deceased proceeding towards the forest on the fateful day. As per the Post Mortem Report, the cause of death has been opined to be "Asphyxia as a result of throttling (manual strangulation)". 4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case; he has no criminal antecedents and is in judicial custody since 14.09.2024. Learned counsel has drawn the attention of this Court to the statement of the complainant recorded as P.W.1, wherein he has stated that although the family of

			the complainant and the applicant belong to the same native village, namely, Dina Pahucha, Tehsil Mirganj, District Bareilly, both the families were not on talking terms for the last about two years, thereby suggesting previous enmity between the parties. It is further submitted that there are material contradictions in the prosecution story. Learned counsel points out that in the F.I.R., it has been alleged that the complainant's brother-in-law had seen the deceased going towards the forest along with the applicant on the fateful day, whereas in his cross-examination, the complainant (P.W.1) has stated that he himself had seen the applicant accompanying his son towards the forest. It is contended that such contradiction goes to the root of the prosecution case and renders the last seen theory doubtful. Learned counsel further submits that the complainant, in his cross-examination, has admitted that it was raining at the relevant time, which also casts doubt upon the possibility of clearly identifying the persons allegedly seen going towards the forest. It is argued that the prosecution case rests entirely on circumstantial evidence and there is no direct evidence connecting the applicant with the alleged offence. It is lastly submitted that, as per the charge-sheet, there are 17 prosecution witnesses, out of which only two witnesses have been examined till date, and therefore, the conclusion of trial is likely to take considerable time. 5. Learned State Counsel vehemently opposed the bail application. 6. This Court finds that the prosecution case is based entirely on

circumstantial evidence and there is no direct evidence connecting the applicant with the alleged offence. The contradiction in the testimony of the complainant regarding the “last seen” circumstance, coupled with the admitted fact that it was raining at the relevant time, prima facie creates doubt regarding the reliability of the prosecution version. It also appears that there existed previous enmity between the parties, which cannot be ignored at this stage. The applicant has no criminal antecedents and is in judicial custody since 14.09.2024. Moreover, out of 17 prosecution witnesses, only two witnesses have been examined till date and, therefore, the conclusion of trial is likely to take considerable time.

7. Accordingly, without expressing any opinion on the ultimate merits of the matter, this Court is of the considered view that the applicant has made out a case for grant of bail at this stage. The bail application is allowed.

8. Let the applicant-Satyaveer be released on bail, on executing personal bond and furnishing two reliable sureties, each of like amount, to the satisfaction of Court concerned.

(Alok Mahra, J.)
29.05.2026

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