

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	UKHC010127992025  2026:UHC:6624 COURT'S OR JUDGE'S ORDERS
			<u>BA1/1494/2025</u> Chandan Chaudhary --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> Mr. Vikas Anand, learned counsel for the applicant. 2. Mr. Vijay Khanduri, learned Brief Holder for the State. 3. Present applicant-Chandan Chaudhary, S/o Motilal Chaudhary is praying for bail in reference to First Information Report dated 31.10.2024 bearing FIR No. 0429 of 2024, P.S. Kiccha, District Udham Singh Nagar wherein the present applicant is charge sheeted for the offences punishable under Section 103(1), 309(4), 317(2) of BNS, 2023. 4. It is argued by learned counsel for the applicant that applicant is innocent and has been falsely implicated; there is no direct evidence and the entire prosecution case is based upon the circumstantial evidence and there is no eye witness and only on presumption the applicant has been charge sheeted though more than three persons were under investigation but only the applicant has been charge sheeted on the basis of disclosure of his name by one Shanawaz based on last seen evidence of applicant with the deceased though as per CCTV footages the deceased was talking with the applicant at about 01:05 a.m. and subsequent thereto one Nazakat and a lady

		was seen with the deceased and all of them visited the ATM but this aspect has not been properly dealt with in the investigation. He further submits that the present applicant is languishing in jail since 02.11.2024 and there is antecedent of one case in which he is already acquitted and in the present case there are in total 30 prosecution witnesses but up till date only one witness has been examined, therefore, there is no possibility that trial would be expedited soon. 5. On the other side Mr. Vijay Khanduri, learned Brief Holder for the State submits that after collecting all credible evidence charge sheet was filed and since the offence is serious one, therefore, the applicant does not deserve for bail. He also fairly submits that up till date there is no substantial progress in the trial since out of 30 witnesses, only one witness has been examined; about the criminal antecedent of the applicant, learned Brief Holder submits that applicant has antecedent of one previous case that too relates to sexual assault, however in that case applicant is already acquitted. 6. After hearing the submissions of learned counsel for the parties and taking into consideration that present applicant is languishing in jail since 02.11.2024 and already suffered long incarceration and there is no substantial progress in the trial since out of 30 prosecution witnesses only one prosecution witness has been examined, in such eventuality, this Court is of the view that applicant deserves for bail. 7. Accordingly, without expressing any opinion on the merit of the case, the bail
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			application is allowed. 8. Let the present applicant-Chandan Chaudhary be released on bail on his executing a personal bond and furnishing two reliable sureties of the like amount to the satisfaction of the court concerned with the following conditions: “i. After being released on bail the applicant shall join the trial court proceeding on each and every date without seeking any adjournment. ii. He will not make any attempt to influence the witnesses and to temper the evidence. In the event of breach of any of the conditions as aforesaid, the prosecution is free to move an application for bail cancellation. (Rakesh Thapliyal, J.) 30.07.2026 Arti
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