

**IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL**

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

THE HON'BLE SRI JUSTICE ALOK MAHRA

18TH MARCH, 2026

Third Bail Application (IA No.4220 of 2025)

in

CRIMINAL APPEAL No.717 of 2019

Mahakveer

....Appellant

Versus

State of Uttarakhand

....Respondent

Counsel for the Appellant : Ms. Shruti Joshi, Legal Aid Counsel

Counsel for the Respondent : Mr. B.N. Molakhi, Deputy Advocate
General.

(Per : Shri Alok Kumar Verma, J.)

This is the Third Bail Application filed by the appellant-Mahakveer.

2. The First Bail Application (CRMA No.4215 of 2019) and the Second Bail Application (CRMA No. 2044 of 2020) were rejected on 05.03.2020 and 13.09.2022, respectively.

3. Learned Additional Sessions Judge, Vikasnagar, District Dehradun delivered a consolidated judgment and order dated 23.10.2019/31.10.2019 in Sessions Trial No.136 of 2012 (Case Crime No.157 of 2012, Police Station Vikasnagar, District Dehradun) and in Sessions Trial No.111 of 2013 (Case Crime No.157 of 2012, Police Station Vikasnagar, District Dehradun).

4. The three accused in Sessions Trial No. 136 of 2012 and the present appellant-accused of Sessions

Trial No.111of 2013 have been convicted and sentenced for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code, 1860 (in short, "IPC"), Section 394 IPC and Section 411 IPC.

5. Heard Ms. Shruti Joshi, learned counsel appearing for the appellant and Mr. B.N. Molakhi, learned Deputy Advocate General for the respondent.

6. Ms. Shruti Joshi, Advocate, submitted that as per the statement of the deceased's wife, the alleged injured, she did not know the appellant. She stated that she had heard the voice of the assailants, but she had not recognized the voice of the present appellant. The Test Identification Parade was not conducted. The allegation against the appellant is that one pair of Anklet (Paizeb) from the looted articles was recovered at his pointing out. The said recovery was planted. There was no independent witness at the time of the alleged recovery. There is no credible proof that the said anklet is the looted article. The alleged recovery by itself is not sufficient to prove the case beyond reasonable doubt. Therefore, there are strong prima facie grounds for substantial doubt about the conviction. Appellant has spent more than six years in judicial custody. This appeal is pending since the year, 2019 and the appeal is not likely to be heard within a reasonable period. Appellant is a permanent resident of

District Bijnor (Uttar Pradesh), therefore, there is no possibility of his absconding. He was on bail during the trial, and, the conditions of the bail were not misused or violated by him. All the three appellants in Criminal Appeal No.663 of 2019, filed against the judgment and order dated 23.10.2019 / 31.10.2019, passed in Sessions Trial No.136 of 2012, have already been granted bail by this Court.

7. Mr. B.N. Molakhi, Advocate appearing for the respondent has opposed the bail application.

8. Having regard to the facts and circumstances of the case, without expressing any opinion as to the merits or demerits of the case, this Court is inclined to grant bail to the appellant during the pendency of this appeal.

9. The Third Bail Application (IA No.4220 of 2025) is allowed.

10. Let the appellant – Mahakveer be released on bail on his executing a personal bond and furnishing two reliable sureties of the same amount to the satisfaction of the trial court.

Alok Kumar Verma, J.

Alok Mahra, J.