

HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No. 308 of 2024

DineshApplicant

Versus

State of UttarakhandRespondent

Present:-

Mr. S.R.S. Gill, Advocate for the applicant.

Ms. Manisha Rana Singh, AGA for the State.

Mr. Amar Murti Shukla and Ms. Lata Negi, Advocates for the informant.

With

First Bail Application No. 249 of 2024

Aryan alias Nalin SharmaApplicant

Versus

State of UttarakhandRespondent

Present:-

Mr. Parikshit Saini, Advocate for the applicant.

Ms. Manisha Rana Singh, AGA for the State.

Mr. Amar Murti Shukla and Ms. Lata Negi, Advocates for the informant.

Hon'ble Ravindra Maithani, J. (Oral)

Since both these bail applications arise from one and the same FIR, they are being heard together and decided by this common order.

2. Applicants Dinesh and Aryan alias Nalin Sharma are in judicial custody in FIR/Case Crime No.21 of 2024, dated 10.01.2024, under Sections 302, 34 IPC,

Police Station Roorkee, District Haridwar. They have sought their release on bail.

3. Heard learned counsel for the parties and perused the record.

4. The deceased was running a stall near IIT Gate Roorkee, District Haridwar. On 10.01.2024, at about 11:15 PM when he was returning to his home, according to the FIR, the co-accused Abhishek and some other persons assaulted him, due to which, he died.

5. Learned counsel for the applicants would submit that no specific role is assigned to the applicants; according to the witnesses, it is the co-accused Abhishek, who hit the deceased with the bucket, which he had taken from the witness Aadarsh, as stated by Aadarsh and Anmol to the Investigating Officer.

6. Learned counsel for the informant would submit that the witness Abhishek in his statement recorded under Section 164 of the Code of Criminal Procedure, 1973 has stated that the applicants also assaulted the deceased with bucket.

7. Learned State counsel would submit that the fight was initiated by the applicants and when the deceased was assaulted, they were accompanying the co-accused Abhishek.

8. During the course of hearing the post-mortem report of the deceased has been placed for perusal of the Court, which reveals that he had three injuries, one at left nipple abraded contusion; deep contusion was on both sides of the chest and there was a contused swelling on the parietal region of skull. The cause of death, according to the doctor was shock and Haemorrhage, due to antemortem head injuries.

9. It is the stage of bail. Much of the discussion at this stage is to be avoided. To the extent of appreciating the controversy the matter may be examined with the caveat that any observation made at this stage shall have no bearing at any subsequent stage of the case.

10. The witnesses had stated that it is the co-accused Abhishek, who had taken a bucket from a witness Aadarsh and it is he, who hit the deceased with the bucket. However, at one stage under Section 164 of

the Code Abhishek, the witness has stated that the applicants and the co-accused Abhishek were assaulting the deceased with bucket. As stated, there are specific version that it is the co-accused Abhishek, who hit the deceased with bucket.

11. Having considered, this Court is of the view that these are the cases fit for bail and the applicants deserve to be enlarged on bail.

12. The bail applications are allowed.

13. Let the applicants be released on bail, on their executing a personal bond and furnishing two reliable sureties, each of the like amount, by each one of them, to the satisfaction of the court concerned.

(Ravindra Maithani, J.)
22.03.2024

Sanjay