

HIGH COURT OF UTTARAKHAND AT NAINITAL

II Bail Application No. 111 of 2024

Mohd. SarufApplicant

Versus

State of UttarakhandRespondent

Present:-

Mr. B.S. Adhikari, Advocate for the applicant.

Mr. M.A. Khan, AGA for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant Mohd. Saruf is in judicial custody in FIR/Case Crime No. 221 of 2023, under Sections 302, 201, 120-B IPC, Police Station Sidkul, District Haridwar. He has sought his release on bail.

2. This is second bail application of the applicant. His first bail application has been dismissed as withdrawn on 20.12.2023.

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

4. According to the FIR, the deceased was found missing from 11.03.2023. The informant happens to be the father of the deceased. He suspected the role of his daughter-in-law. Subsequently, it is the prosecution case

that on 11.04.2023, the applicant was arrested and he confessed his guilt and told that he along with the co-accused has killed the deceased by strangulating with a rope. It is the further prosecution case that the cell phone of the deceased was recovered from a truck at the instance of the applicant.

5. Learned counsel for the applicant would submit that it is a false case; the informant has already been examined as PW 1; he does not say that the recovery of cell phone was made in his presence; PW 1, the informant has not identified the applicant in the court saying that he has not seen him in the past; the allegedly recovered rope has not been sent for forensic examination.

6. Learned State Counsel would submit that the applicant has confessed his guilt; the rope by which the deceased was strangulated and the cell phone of the deceased were recovered at the instance of the applicant.

7. Having considered, this Court is of the view that it is a case fit for bail and the applicant deserves to be enlarged on bail.

8. The bail application is allowed.

9. Let the applicant be released on bail, on his executing a personal bond and furnishing two reliable sureties, each of the like amount, to the satisfaction of the court concerned.

(Ravindra Maithani, J)
20.08.2024

Avneet/