HIGH COURT OF UTTARAKHAND AT NAINITAL

1st Bail Application No. 2188 of 2024

Arun Kashyap .....Applicant

Versus

State of Uttarakhand .....Respondent

Present:-

Mr. Anchit Khokher, Advocate for the applicant.
Ms. Manisha Rana Singh, Deputy Advocate General for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant Arun Kashyap is in judicial custody in FIR No. 563 of 2023, under Section 302 IPC, Police Station Haldwani, District Nainital. He has sought his release on bail.

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

3. According to the FIR, on 26.11.2023, at about 05:30 p.m., the deceased was attacked with a sharp edged weapon on his head and mouth, due to which he sustained serious injuries and subsequently he succumbed to the injuries.

4. Learned counsel for the applicant would submit that it is a day light murder case; there is no witness against the applicant.

5. State was required to file objections. It has yet not been filed.

6. Learned State Counsel would submit that there are two circumstances against the applicant. Firstly, he being the relative of the deceased was absconding after his death and, secondly, the weapon of offence, a *Patal,* was recovered at the instance of the applicant; the shopkeeper has told that the applicant had purchased the *Patal* from his shop; he has also given the CCTV footages of his shop.

7. The Court wanted to know from the learned State Counsel as to whether the *Patal,* in any manner, is connected with the offence in terms of FSL report? She would submit that the FSL report is still awaited.

8. 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.

9. The bail application is allowed.

10. 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)
16.12.2024

Avneet/