SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1/1496/2026 Mukul Jain --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. S.R.S. Gill, learned counsel for the applicant. Mr. J.P. Kandpal, learned Brief Holder for the State of Uttarakhand. Mr. Nimish Chib, learned counsel for the complainant through video conferencing. 2. The present bail application has been filed by the applicant, who is in judicial custody in connection with FIR No. 37 of 2026, registered at Police Station Kaladhungi, District Nainital, for the offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023. 3. Heard learned counsel for the applicant and learned State Counsel. Perused the material available on record. 4. As per the prosecution case, the applicant, the deceased, one Pankaj Verma and two other co-accused persons visited a resort situated at Kotabagh, where a scuffle took place between the applicant and the deceased. Upon perusal of the CCTV footage of the incident, it is alleged that the applicant is seen pushing the deceased, as a result of which he fell on his back. Thereafter, the applicant is seen sitting on the chest of the deceased and attempting to press his neck. Subsequently, two other persons intervened and pulled the applicant away from the deceased. It is further alleged that, on the same night, all the persons left for Moradabad, where another vehicle belonging to the deceased had been parked, as they had initially travelled together from Moradabad to

			Kotabagh in a single vehicle. Upon reaching Moradabad, the CCTV footage allegedly shows the applicant getting down from the vehicle and leaving the place, whereas the two co-accused persons and Pankaj Verma are seen standing near the vehicle while the deceased remained inside it. It is further the prosecution case that Pankaj Verma thereafter took the deceased to his house, from where a call was made to the wife of the deceased at about 9:00 a.m. The complainant, who is the wife of the deceased, in her statement recorded under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, stated that when she enquired from her husband as to who was responsible for his condition, he named the present applicant and the other co-accused persons and stated that they had beaten him severely. Thereafter, the deceased was admitted to Shri Ganga Hospital on 09.04.2026. It is further stated by the complainant that on 13.04.2026, when she again enquired from her husband regarding the persons responsible for his condition, the deceased, in the presence of three persons, again named the applicant and the other co-accused persons as being responsible for his condition. Ultimately, the deceased succumbed to his injuries on 07.05.2026. As per the medical opinion, the cause of death was brain damage consequent upon blunt force trauma to the head. The doctor has opined that the said injury was sufficient in the ordinary course to cause death. 5. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. It is contended that the statement of the complainant recorded under Section 180 of the Bharatiya Nagarik Suraksha Sanhita is not reliable, inasmuch as the deceased was allegedly in a subconscious state and had not regained consciousness or verbal responsiveness during his treatment in the hospital.

			Therefore, the alleged disclosure by the deceased to the complainant, implicating the applicant and the other co-accused persons, is seriously disputed. It is further submitted that the prosecution has failed to establish any motive on the part of the applicant to commit the alleged offence and that the incident appears to have arisen out of a sudden scuffle between the applicant and the deceased. Learned counsel further submits that the other two co-accused persons have been granted interim anticipatory bail, whereas the applicant is languishing in judicial custody since 22.05.2026. 6. Per contra, learned State Counsel, assisted by learned counsel for the complainant, has opposed the prayer for grant of bail. 7. Having considered the rival submissions advanced by learned counsel for the parties and upon perusal of the material available on record, this Court finds that the incident, as reflected in the prosecution version, appears to have originated from a sudden scuffle between the applicant and the deceased. No specific motive for the occurrence has been brought to the notice of this Court at this stage. The evidentiary value and reliability of the alleged statements attributed to the deceased, particularly in view of the submissions regarding his medical condition during the relevant period, are matters which would require examination during trial. Further, the applicant has been in judicial custody since 22.05.2026, while the other co-accused persons have been granted interim anticipatory bail. Having regard to the overall facts and circumstances of the case, without expressing any opinion on the merits of the allegations, this Court is of the considered view that the applicant has made out a case for grant of bail. 8. Accordingly, without expressing any opinion on the merits of the case, this Court is inclined to enlarge the applicant on bail.

			The bail application is, accordingly, allowed. 9. Let the applicant be released on bail on executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the Court concerned, subject to the following conditions: (i) The applicant shall regularly attend the proceedings before the learned Trial Court and shall not seek any unnecessary adjournment. (ii) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing such facts to the Court or to any police officer. (iii) The applicant shall not leave the country without obtaining prior permission of the learned Trial Court. 10. It is clarified that, in the event of misuse of the liberty of bail or violation of any of the conditions imposed hereinabove, the complainant/informant shall be at liberty to move an appropriate application before the competent Court seeking cancellation of the applicant's bail. **(Alok Mahra, J.)** 25-11-2026 SNSHA