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By:NEETUN NAIK
Signing Date:17.02.2026
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GIRISH
KATHPALIA

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two unknown boys had snatched the copper and one of them stabbed him due to which he lost consciousness and those boys fled. After investigation, the police arrested the accused/applicant and his co-accused Sonu.

3. Learned counsel for accused/applicant contends that there is no admissible evidence against the accused/applicant and he is in custody for past about eight years. It is also contended that all public witnesses already stand examined and there is no chance of conviction of the accused/applicant.

4. Learned APP for State assisted by IO/Inspector Ashwini submits that in view of seriousness of the allegations coupled with antecedents of the accused/applicant, he does not deserve to be released on bail.

5. In response to a specific query, it is submitted by learned APP for State that the only evidence against the accused/applicant is recovery of the knife allegedly used in the assault at the instance of the accused/applicant. It is also stated by learned APP for State that the said knife was stained with the blood of the deceased.

6. But admittedly, there is nothing to connect the said knife with the accused/applicant so far as the use thereof in the alleged offence is concerned. The IO did not even try to find fingerprints on the knife.

7. Further, as regards the alleged recovery, prosecution relies upon testimony of PW2, brother of the deceased. In the portion related to the alleged recovery, it is stated by PW2 that he along with police officials went

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2026:DHC:1352



to the house of the accused Anish from where, Anish produced one knife and scooty. It is not that the accused/applicant led the police party to the place where the knife was recovered. And there is no clarity as regards the portion of the house from where knife was recovered.

8. Of course, on this aspect, the learned trial court shall take independent view, which shall be in accordance with law. The purpose of above discussion is only by way of analysis if the accused/applicant deserves bail.

9. As regards the alleged antecedents, the admitted position is that out of three other cases, the accused/applicant stands acquitted in one and is on bail in the remaining two cases.

10. Considering the above circumstances, I do not find any reason to deprive further liberty to the accused/applicant. Therefore, the bail application is allowed and accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the Trial Court.

11. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

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KATHPALIA

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GIRISH KATHPALIA
(JUDGE)

FEBRUARY 17, 2026/as

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