
Ravindra Vs State Of Uttarakhand

First Bail Application No. 1007 Of 2023

Court: Uttarakhand High Court

Date of Decision: July 19, 2023

Acts Referred:

Code Of Criminal Procedure, 1973 " Section 439#Indian Penal Code, 1860 " Section 120B, 201, 302#Constitution Of India, 1950 " Article 21

Hon'ble Judges: Alok Kumar Verma, J

Bench: Single Bench

Advocate: Ramji Srivastava, Manisha Rana Singh, P.S. Uniyal

Final Decision: Allowed

Judgement

Alok Kumar Verma, J

1. Present Bail Application has been filed under Section 439 of the Code of Criminal Procedure, 1973 in connection with the First Information Report

No.126 of 2020, registered at police station Vikasnagar, District Dehradun. Applicant is in judicial custody under Sections 302, 201 and Section 120 B

of the Indian Penal Code, 1860.

2. As per FIR dated 06.04.2020, on 05.04.2020, at about 06:00 a.m., informant was informed by one Bhaddu, a resident of his village, that blood is

ozzing from the head of his (informant) son Janak Singh, aged about 50 years, and he has died. Informant went to the spot and found that the dead

body of his son was lying on a cot and there was a deep injury on his head, and, there was a lot of blood on the floor. According to the informant,

there was an illegal relationship between the wife of the deceased, co-accused, and the applicant, therefore, he suspects that both of them together

have committed the murder of his son. His son-in-law (Damad) Gautam told him about the said illegal relationship. Prior to lodging of the First

Information Report, on the basis of an information, given by Dr. Ramesh Saini, a member of Kshetra Panchayat, on 05.04.2020 at 08:00 p.m. about

the death of the deceased, police went to the spot and prepared the inquest report. On the same day i.e. on 05.04.2020, post-mortem of the dead body

of the deceased was conducted. Co-accused, wife of the deceased, was arrested and at her instance a murder weapon, i.e. .22 rifle was recovered

from her Cowshed. At the time of the post-mortem, a bullet was recovered from the dead body.

3. Present applicant was arrested on 05.04.2020. Two .22 bullets were recovered from the bushes on the applicant's pointing out. The recovered

rifle and bullet, which was found from the dead body, were sent for examination. Charge-sheet was filed after completion of the investigation.

4. Heard Mr. Ramji Srivastava, learned counsel for the applicant and Ms. Manisha Rana Singh, learned AGA with Mr. P.S. Uniyal, learned Brief

Holder for the State.

5. Mr. Ramji Srivastava, Advocate, contended that the applicant has been falsely implicated in the present matter. The present matter rests on the

circumstantial evidence. No credible or reliable evidence has been found during the investigation or produced by the prosecution regarding the alleged

illegal relationship. Nothing was recovered from his possession. The alleged recovery was planted. Apart from the alleged recovery and alleged

relationship, there is no evidence on record to implicate the applicant in the present matter, while six of the proposed seventeen prosecution witnesses

have been examined.

6. Mr. Ramji Srivastava, Advocate, further contended that the applicant is a permanent resident of District Dehradun. He is in custody since

05.04.2020 and he has no criminal history.

7. On the other hand, learned counsel for the State has opposed the bail application.

8. Bail is the rule and committal to jail is an exception. Refusal of bail is a restriction on the personal liberty of the individual, guaranteed under Article

21 of the Constitution of India. The object of keeping the accused person in detention during the trial is not punishment. The main purpose is manifestly

to secure the attendance of the accused.

9. Having considered the submissions of learned counsel for both the parties and in the facts and circumstances of the case, without expressing any

opinion as to the merit of the case, this Court is of the view that the applicant deserves bail at this stage.

10. The Bail Application is allowed.

11. Let the applicant "Ravindra be released on bail on his executing a personal bond and furnishing two reliable sureties, each in the like amount, to

the satisfaction of the court concerned with the following conditions :-

i) Applicant shall attend the trial court regularly and he shall not seek any unnecessary adjournment.

ii) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case.

12. It is clarified that if the applicant misuses or violates any of the conditions, imposed upon him, prosecution will be free to move the court for

cancellation of bail.