
(2024) 10 UK CK 0025

Uttarakhand High Court

Case No: First Bail Application No. 1537 Of 2024

Deep Kandpal

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision: Oct. 8, 2024

Acts Referred:

- Indian Penal Code, 1860 - Section 120B, 201, 302

Hon'ble Judges: Ravindra Maithani, J

Bench: Single Bench

Advocate: Siddharth Bankoti, S.C. Dumka, Vipul Sharma

Final Decision: Allowed

Judgement

Ravindra Maithani, J

1. Applicant is in judicial custody in FIR No. 369 of 2023, under Section 302, 201, 120B 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, the deceased Ankit Chauhan left his house on 14.07.2023, but he did not return. On 15.07.2023, the dead body of the

deceased was found in his car. It was suspected that he was killed by the applicant and the co-accused.

4. Learned counsel for the applicant would submit that co-accused Mahi @ Dolly Arya has already been granted bail. It is a case of parity. He would

submit that the applicant has been made accused based on the statement of the co-accused. The applicant has no motive to kill the deceased.

5. Learned State counsel would submit that the applicant has been seen on the CCTV camera entering in the house of co-accused Mahi @ Dolly

Arya.

6. Learned counsel for the informant would submit that the applicant was seen entering the house of co-accused Mahi @ Dolly Arya wearing a

yellow T-shirt and next day when the dead body was found in the car, the deceased was wearing the blue T-shirt and CCTV footages of the car as

collected by the prosecution reveals that the car was being driven by the person wearing yellow T-shirt.

7. The Court wanted to know as to who is the witness that has identified the occupants of the car? Learned counsel for the informant as well as

learned State counsel could not reply to it. They could not refer to statement of any witness on this aspect.

9. It is true that as per CCTV footages, on the date of incident, the applicant was seen entering the house of co-accused Mahi @ Dolly Arya, but

there were many other persons who had visited the house of co-accused Mahi @ Dolly Arya. The dead body of the deceased was found in the car at

a distant place. How the applicant is connected with the offence? This and many more questions would find answer during investigation or trial as the

case may be.

9. Having considered the entirety of facts, this Court is of the view that the applicant deserves to be enlarged on bail.

10. The bail application is allowed.

11. 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