

(2024) 11 UK CK 0001

Uttarakhand High Court

Case No: First Bail Application No. 1690 Of 2024

Virendra Singh

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision: Nov. 7, 2024

Acts Referred:

- Indian Penal Code, 1860 - Section 120B, 302
- Arms Act, 1959 - Section 3, 25

Hon'ble Judges: Ravindra Maithani, J

Bench: Single Bench

Advocate: B.M. Pingal, Pankaj Joshi

Final Decision: Allowed

Judgement

Ravindra Maithani, J

1. Applicant is in judicial custody in FIR No.24 of 2024, under Sections 302 and 120-B IPC and Section 3/25 of the Arms Act, 1959, Police Station Banbhulpura, District Nainital.
2. Heard learned counsel for the parties and perused the record.
3. The deceased Prem Prakash was found in unconscious state at an abandoned place. Subsequently, he died. FIR was lodged.
4. Learned counsel for the applicant would submit that there is no evidence against the applicant; merely based on the confession of the applicant and the statement of the co-accused, the applicant has been implicated in the case. It is argued that the prosecution has alleged the recovery of a country made pistol at the instance of the applicant, which is not reliable; the alleged recovery is from an open place; it does not connect the applicant with any offence.
5. Learned State Counsel admits that the applicant has confessed his guilt and the co-accused has also assigned his role, but he would add that at the instance of the applicant, a country made pistol was recovered and as per forensic report, the cartridge cases, which were found near the place of incident, were fired through the country made pistol so recovered. He also admits that the country made pistol was recovered from an open place.
6. 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.
7. The bail application is allowed.

8. Let the applicant 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.