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**(2024) 12 UK CK 0098**

**Uttarakhand High Court**

**Case No:** First Bail Application No. 1244 Of 2024

Khatun Jahan

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

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**Date of Decision:** Dec. 31, 2024

**Acts Referred:**

- Indian Penal Code, 1860 - Section 201, 302
- Evidence Act, 1872 - Section 106

**Hon'ble Judges:** Ravindra Maithani, J

**Bench:** Single Bench

**Advocate:** D.N. Sharma, Manju Bahuguna, Pankaj Joshi

**Final Decision:** Dismissed

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**Judgement**

Ravindra Maithani, J

1. Applicant is in judicial custody in FIR No.114 of 2024 (In Bail Application No.855 of 2024), under Sections 201 and 302 IPC, Police Station

Rudrapur, District Udham Singh Nagar. She has sought her release on bail.

2. Heard learned counsel for the parties and perused the record.

3. The deceased was in relationship with the neighbour. According to the FIR, on 23/24.02.2024, at any time, in the midnight, she was killed by her

family members. The family members were in the process of burying the deceased, but in the meanwhile, the police was informed. The applicant and

other family members did reveal that due to stomach pain, the deceased had died. At the time of inquest, it was told that the deceased had committed

suicide by hanging. But as per post-mortem report, the death took place at the relevant time at 6:00 P.M. due to throttling.

4. Learned counsel for the applicant would submit that the witnesses of fact have already been examined and none has supported the prosecution case.

5. Learned State Counsel would submit that how the deceased died, this fact within the special knowledge of the applicant who happens to be the mother of the deceased in view of Section 106 of the Indian Evidence Act, 1872. He would submit that the cause of death was asphyxia as a result of throttling.

6. It is the stage of bail. Much of the discussion at this stage is not expected of. To the extent of appreciating the controversy, the matter may be examined with the caveat that any observation, made at this stage, shall have no bearing at any subsequent stage of the case.

7. The applicant and her family members were in the process of burying the deceased, who happens to be the daughter of the applicant. It is the prosecution case that the deceased had relations with her neighbour. She was killed in the midnight. The post-mortem report reveals that it was a death due to asphyxia as a result of throttling. A young girl was killed in her own house by her family members.

8. Having considered, this Court is of the view that there is no ground to enlarge the applicant on bail. Accordingly, the bail application deserves to be rejected.

9. The bail application is rejected.