
(2023) 09 UK CK 0058

In the Uttarakhand High Court

Case No : Third Bail Application No. 25 Of 2023

Purnanad Godiyal alias Bablu Godiyal

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 18-09-2023

Acts Referred:

Citation : (2023) 09 UK CK 0058

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : D.K. Sharma, Maneesh Bisht, Pramod Tiwari

Final Decision : Allowed

Judgement

Alok Kumar Verma, J

1. This is the Third Bail Application. The First Bail Application (Criminal Miscellaneous Bail Application No. 1017 of 2020) was rejected on 26.02.2021 and the Second Bail Application was converted into Short Term Bail Application and the said Short Term Bail Application was decided on 24.09.2022.

2. As per the prosecution, informant-Vikram Singh Rautela (PW1) lodged a First Information Report that on 17.03.2019, his brother-Jaikaran Singh Rautela had gone with the applicant and his other associates in their car. On the morning of 18.03.2019, he received an information that his brother's dead body was lying near Shuklapur Primary School. The First Information Report was registered at 15:30 hrs on 18.03.2019. The police recovered five empty cartridges from the spot. Post-mortem examination of the death body was conducted. A bullet was recovered from the dead body of the deceased. Applicant was arrested. A country made pistol was recovered at his instance. The recovered pistol, bullet recovered from the dead body and the empty cartridges were sent to Forensic Science Laboratory. As per the report of Forensic Science Laboratory dated 23.05.2019, the recovered bullet had been fired through the recovered pistol.

3. Heard Mr. D.K. Sharma, learned Senior Advocate assisted by Mr. Maneesh Bisht, learned counsel for the applicant and Mr. Pramod Tiwari, learned Brief Holder for the State.

4. Learned Senior Advocate contended that there was no last seen witness. The informant-Vikram Singh Rautela (PW1) has deposed that he received the information at Prem Nagar SBI that his brother had gone with the applicant and Surjeet Singh in their car on 17.03.2019. The co-accused- Surjeet Singh has been granted bail by this Court on 17.06.2020.

5. Learned Senior Advocate further contended that there was no independent witness in the alleged recovery proceedings. The alleged recovery of the pistol was planted. The said pistol was not recovered at the applicant's pointing out. It has been clearly stated by the prosecution witness Arun Bhatt (PW6) that when he reached near the dead body, he saw that a pistol and several cartridges were lying near the dead body. The prosecution has not re-examined the said witness Arun Bhatt on this point. Applicant is in judicial custody since 18.03.2019. He has no criminal history. He is a permanent resident of District Dehradun, therefore, there is no possibility of his absconding.

6. On the other hand, learned counsel for the State has opposed the bail application. However, he fairly conceded that Arun Bhatt (PW6) was not re-examined by the prosecution and the co-accused-Surjeet Singh has been granted bail by this Court.

7. Having considered the submissions of learned counsel for both the parties and in the facts and circumstances of the case, there is no reason to keep the applicant behind the bars for an indefinite period, therefore, 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.

8. The Third Bail Application is allowed.

9. Let the applicant- Purnanad Godiyal alias Bablu Godiyal 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 will 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.

10. 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.