
(2023) 04 UK CK 0079

In the Uttarakhand High Court

Case No : First Bail Application No. 2104 Of 2022

Sangeeta W/o Sh. Kameshwar Ram

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 28-04-2023

Acts Referred:

Indian Penal Code, 1860 — Section 302

Citation : (2023) 04 UK CK 0079

Hon'ble Judges : Vivek Bharti Sharma, J

Bench : Single Bench

Advocate : Vikas Anand, Kuldeep Rawal

Final Decision : Allowed

Judgement

Vivek Bharti Sharma, J

1. Applicant Sangeeta, who is in judicial custody in F.I.R. No. 196 of 2020, under Section 302 of IPC, Police Station Transit Camp Rudrapur, District Udham Singh Nagar, has sought her release on bail.

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

3. Learned counsel for the applicant would submit that the witnesses PW-1 Jiyaulhak and PW-2 Razaulkareem have been examined by the learned Trial Court, the evidence is on the hearsay evidence; at the time of the alleged crime they were not present at the scene of crime and the whole case is based on the circumstantial evidence and none of the circumstantial evidence is of conclusive nature.

4. Shri Ranjan Ghildiyal, learned counsel for the State admits at Bar that only the circumstantial evidence available on the charge sheet are the last seen evidence of Geeta and Prem Veer, who say that they saw the applicant Sangeeta and deceased quarreling the day before the recovery of the dead body of the victim and, on their pointing a dupatta, allegedly used in the commission of crime, was

recovered. However, he would admit at Bar that there is no evidence in the charge sheet that would connect that dupatta, recovered at the instance of the applicant-accused, with the present crime. He would further submit that the trial is likely to take considerable time.

5. Having considered the entirety of facts, without expressing any opinion as to the final merits of the case, this Court is of the view that this is a fit case for bail.

6. The bail application is, accordingly, allowed. Let the applicant be released on bail, on her executing a personal bond and furnishing two reliable sureties, each of the like amount, to the satisfaction of the Court concerned.