

INTHE HIGHCOURTOF UTTARAKHAND AT NAINITAL

ORIGINAL JURISDICTION

1<sup>st</sup> Bail Application No. 806 of 2010

Order on the Bail application of

accused. CRIMINALSIDE

Anand Singh

.....Applicant (In jail)

Versus

State of Uttarakhand

..... Opposite Party

With

1<sup>st</sup> Bail Application No. 807 of 2010

CRIMINALSIDE

Padam Lal

.....Applicant (In jail)

Versus

State of Uttarakhand

..... Opposite Party

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Arising out of Case Crime No. 20/1994

U/s 302/201 IPC,

PS Chamoli, District Chamoli.

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August 31,

2010 HON'BLE DHARAM VEER, J.

Since both these bail applications arise out of the same case crime number and involve common facts and circumstances, hence they are being decided by this common order.

Heard Mr. RP Nautiyal, Advocate for the applicants and Mr. Amit Bhatt, Addl. GA for the State.

Learned Counsel for the accused applicants submitted that the incident is alleged to have happened on 28.5.1993 when the dead body of the deceased was recovered on the bank of Nandakini-Alaknanda river. Diwan Singh, brother of the deceased submitted a report before SP, Chamoli on 23.8.1993, on the basis of which an FIR was lodged on 23.7.1994. Post mortem was conducted on 29.5.1993 as an unknown body. After the investigation, the I.O. submitted final report, which was accepted by the CJM, Chamoli on 21.6.1996. Against that the complainant filed revision which was allowed and the matter was remanded back to the trial court. Thereafter CJM, Chamoli on the basis of same set of evidence, on which final report was accepted, took the cognizance of offence against the applicants vide order dated 5.2.2001. Learned Counsel for the applicants argued that delay in lodging the report has not been explained by the prosecution by showing the sufficient cause. He further

argued that the case against the applicants rests upon the circumstantial evidence and there is no direct evidence against the applicants. He further submitted that the chain of circumstances is not complete against the accused applicants to connect them with the alleged crime. He also submitted that the Magistrate has subsequently summoned the applicants on the basis of the same set of evidence on which he had earlier accepted the final report filed by the police.

Having heard the submissions of learned Counsel for the parties; perusal of the contents of the FIR and other papers available on record; in view of the facts and circumstances of the case and without commenting upon the final merits of the case, the Court is of the view that the applicants deserve bail at this stage.

Let the applicants Anand Singh and Padam Lal be released on bail on executing a personal bond and furnishing of two sureties, each in the like amount, by each of them to the satisfaction of CJM, Chamoli.

Both the bail applications are allowed accordingly.

(Dharam Veer, J.)

31.8.2010  
PRABODH