

**IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL**

Original Jurisdiction

Dated: Nainital: the 30th day of November, 2011

First Bail Application No. 933 of 2011

Criminal Side

Dilshad

S/o Peer Baksh

R/o Rampur Doraha

Barbala Muradabad

District Muradabad

.....Applicant (In Jail)

Versus

State of Uttarakhand

.....Opposite Party

Arising out of Case Crime/F.I.R. No.235 of 2011

Under Sections: 302 of I.P.C

Police Station: Bazpur

District: Udham Singh Nagar

Hon'ble Prafulla C. Pant, J.

Mr. D.C.S.Rawat, Advocate, present for the applicant.

Mr. Hari Om Bhakuni, Brief Holder, present for the State.

Heard.

Applicant– Dilshad, who is in jail in connection with F.I.R. No. 235 of 2011, relating to offence punishable under section 302 of I.P.C, Police

Station Bazpur, District Udham Singh Nagar, has sought his release on bail.

Applicant is not named in the First Information Report. It is a case of circumstantial evidence. Learned counsel for the applicant pleaded that there is no chain of circumstances shown as against the present applicant on the basis of which it can be said that the applicant is involved in commission of crime. Only suspicion has been raised that due to the extra marital relation of the applicant with the deceased, he might have committed her murder to please his wife.

In the above circumstances, without expressing any opinion as to final merits of the case, this Court is of the view that the applicant deserves bail.

The Bail Application is allowed. Let the applicant- Dilshad , be released on bail on executing personal bond and furnishing two sureties, each of the like amount, to the satisfaction of the Additional Chief Judicial Magistrate, Kashipur.

(Prafulla C. Pant, J.)

