

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

Original Jurisdiction

Dated: Nainital: the 29th day of February, 2012
1st Bail Application No.80 of 2012

Order on the Bail Application:

CRIMINAL SIDE

**Sandeep Kapasuri,
S/o Vikram Singh,
R/o Village Sasman,
Patti. Daugi, Tehsil Narendra Nagar,
District Tehri Garhwal.**

.....Applicant

Versus

State of Uttarakhand.

..... Opposite Party

Arising out of Case Crime No. 72 of 2011, Under Section-302,
120B I.P.C., Police Station Raiwala, District Dehradun.

Hon'ble Prafulla C. Pant, J.

Mr. R.P. Nautiyal, Advocate, present for the applicant.

Mr. M.A. Khan, Brief Holder, present for the State.

A counter affidavit has been filed on behalf of the State. Same be taken on record.

Heard.

Applicant Sandeep Kapasuri, who is in jail in connection with Crime No. 72 of 2011, relating to offences punishable under Section 302, 120B I.P.C.,

Police Station- Raiwala, District Dehradun, 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 submitted that applicant is nephew (sister's son) of the deceased. It is further submitted that he had no motive to commit crime. It is further pleaded that the alleged recovery said to have been made on pointing out of the applicant is false.

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

The bail application is allowed. Let the applicant Sandeep Kapasuri, be released on bail, on executing personal bond and furnishing two sureties, each of the like amount, to the satisfaction of Chief Judicial Magistrate, Dehradun.

(Prafulla C. Pant, J.)

29.02.2012
JM