

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

IA No.1 of 2023 For Bail Application
In
Criminal Appeal No. 889 of 2023

Dhruvo Kumar Das Appellant

Vs.

State of Uttarakhand Respondent

Present:

Mr. Vikas Anand and Mr. Deep Chandra Joshi, Advocate for the appellant.

Mr. B.N. Molakhi, D.A.G. for the State of Uttarakhand.

Coram: Hon'ble Ravindra Maithani, J.
Hon'ble Siddhartha Sah, J.

Hon'ble Ravindra Maithani, J. (Oral)

The instant appeal has been preferred against judgment and order dated 02.12.2023, passed in Sessions Trial No.30 of 2020, State Vs. Dhruvo Kumar Das, by the court of Third Additional District and Sessions Judge, Rudrapur, District Udham Singh Nagar. By it, the appellant has been convicted and sentenced under Sections 302 and 201 IPC.

2. This appeal has already been admitted.

3. List in due course for final hearing.

4. Heard on Bail Application (IA) No.1 of 2023.

5. The FIR, in the instant case, was lodged by the husband of the deceased. According to it, the deceased, who happened to be the wife of the informant, was working as a cook with the appellant. The appellant and the deceased both came close to each other. Thereafter, the deceased had left the work. The appellant was having his meals at the home of the informant, but when the informant came to know about the relationship of his wife with the appellant, he stopped offering meals to the appellant. On 12.09.2019, the deceased left with the appellant,

and, subsequently, it was revealed that the dead body of the deceased was lying in the house of the appellant.

6. Learned counsel for the appellant submits that the prosecution case is not reliable; according to the post mortem, which was conducted on 23.09.2019, the deceased died a week before the post mortem; there is no motive attributed to the appellant; had the appellant been in relationship with the deceased, he would have not killed her; the statement of PW3, the informant, is not reliable when he says that on 12.09.2019, the deceased had gone to the place of the appellant to quarrel with him. It is argued that if after 12.09.2019, the deceased did not return, there was no reason for PW3, the informant, for not lodging a missing report, but, there has been no missing report, and in paragraph 6 of his statement, PW3 has given a statement that though he had given a copy of the missing report, but the police had not accepted it; in fact, if there is any motive, it may be with the informant, whose wife, according to the prosecution, was in relationship with the appellant.

7. Learned State Counsel submits that the dead body was found in the rented house of the appellant; the landlord has stated about it.

8. It is a stage of bail post conviction. Much of the discussion is not expected of. Arguments are being appreciated with the caveat that any observation made in this order shall have no bearing at any subsequent stage of the proceedings.

9. The husband of the deceased tells in the court that the deceased had illicit relations with the appellant. He had intervened, and after 12.09.2019, the deceased was not seen. PW1, Gaurav Das Gupta, the landlord, tells that the appellant was a tenant in his house where the deceased was also visiting. After 12.09.2019, the deceased and the appellant both were not

traceable. Subsequently, on 23.09.2019, he realized foul smell from the room that was rented to the appellant. He informed the police. When the lock was broken, the dead body of the deceased was found below the bed.

10. The witnesses have stated that the dead body was found in the house of the appellant. It was a death due to strangulation. The appellant and the deceased were in relationship. The husband of the deceased, who is PW3, had objected to it.

11. Having considered, this Court does not see any ground, which may entitle the appellant to bail. Accordingly, the bail application deserves to be rejected.

12. The bail application is rejected.

(Siddhartha Sah, J.)

(Ravindra Maithani, J.)

23.03.2026