

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>Bail Application (IA No. 02 of 2023)</u> <u>In</u> <u>CRLA No. 213 of 2023</u> Mohd. Irfan --- Appellant Versus State of Uttarakhand --Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. Karan Singh Dugtal, learned counsel for the Appellant. 2. Mr. Dinesh Chauhan, learned A.G.A. for the State of Uttarakhand. 3. The matter is fixed for hearing on the Bail Application of the Appellant. 4. The present Criminal Appeal has been preferred against the judgment and order dated 07.12.2022 passed in Sessions Trial No. 121 of 2022, <i>State of Uttarakhand vs. Mohd. Irfan</i>, whereby the Appellant has been convicted for the offence punishable under Section 306 of the IPC and sentenced to undergo ten years' rigorous imprisonment along with a fine of Rs.10,000/-. In default of payment of fine, the Appellant has further been directed to undergo six months' additional imprisonment. 5. Heard learned counsel for the parties on the Bail Application (I.A. No. 02 of 2023). 6. Learned counsel for the Appellant submits that the Appellant has already undergone incarceration for more than half of the substantive sentence awarded by the trial court, without remission, and therefore seeks benefit under Section 479 of the B.N.S.S., 2023. It is further submitted that the Appellant has been languishing in jail since 04.05.2021 and has never been released on bail during the pendency of the trial or thereafter. On these grounds, prayer has been made to enlarge the Appellant on bail during the pendency of the appeal. 7. Per contra, learned State Counsel opposed the Bail

		Application and submitted that the involvement of the present Appellant in abetting the commission of suicide by the deceased Simmi and her two children, namely Falak and Anjana, stands well established from the evidence adduced during trial. It is submitted that the prosecution witnesses have fully supported the prosecution case and have categorically stated regarding the involvement of the present Appellant in the commission of the offence. Learned State Counsel further submits that the Appellant has committed a grave and heinous offence and, therefore, is not entitled to be enlarged on bail. 8. This Court has considered the rival submissions and perused the material available on record. The allegations against the Appellant are serious in nature and pertain to the offence under Section 306 of the IPC involving the suicide of a woman along with her two minor children. At this stage, considering the findings recorded by the learned trial court and the evidence available on record, this Court does not find any sufficient ground to suspend the sentence and enlarge the Appellant on bail. 9. Considering the gravity of the offence and the overall facts and circumstances of the case, and without expressing any opinion on the merits of the appeal, this Court is not inclined to enlarge the Appellant on bail at this stage. 10. Accordingly, the Bail Application (I.A. No. 02 of 2023) is rejected. 11. List this case on 06.07.2026. (Ashish Naithani, J.) 07.05.2026 Shiksha
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