

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

**IA No.01 of 2024 For Bail Application**  
In  
**Criminal Appeal No. 462 of 2024**

Sandeep Ray ..... Appellant

Vs.

State of Uttarakhand ..... Respondent

Present:

Mr. S.R.S. Gill, Advocate for the appellant.

Mr. Pankaj Joshi, A.G.A. for the State of Uttarakhand.

Mr. Lalit Sharma and Ms. Anmol Sandhu, Advocates for the informant.

**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 07/08.08.2024, passed in Sessions Trial No.67 of 2017, State Vs. Sandeep Ray, by the court of 3<sup>rd</sup> Additional Sessions Judge, Rudrapur, District Udham Singh Nagar. By it, the appellant has been convicted and sentenced under Sections 302, 307 and 406 IPC.

2. Heard.

3. This appeal has already been admitted.

4. The LCR has already been received.

5. List in due course for final hearing.

6. Heard on Bail Application (IA) No.01 of 2024.

7. According to the FIR, the appellant was working in a factory in the name and style of S.G. Foods as accountant. He had done some misappropriation in the factory. Therefore, PW1, Chaudhary Manoj Kumar, the informant, had questioned the appellant, to which the appellant assured him that report may not be lodged against him. He would repay the entire amount. On 06.12.2016, when PW1, Chaudhary Manoj Kumar, the informant, along with his parents and nephew, Utkarsh Chaudhary, was

going towards factory, they noticed the appellant. PW1, Chaudhary Manoj Kumar, the informant, called the appellant and asked him as to why he has not returned the money. At it, in a fit of rage, the appellant went inside the factory, took the keys of a truck and hit the family members of PW1, Chaudhary Manoj Kumar, the informant, due to which, Utkarsh died at 04:20 pm, and the mother of PW1, Chaudhary Manoj Kumar, the informant, also sustained injuries. Thereafter, the FIR was lodged.

8. Learned counsel for the appellant submits that the entire case is false; initially, when the post-mortem was done on 07.12.2016, at 08:10 am, it was noted as an accidental case, as per police papers. So was it recorded in the inquest report. Thereafter, the FIR was lodged on 07.12.2016, in the afternoon at 02:20 pm, and a case under Sections 302 and 307 IPC was lodged under heavy political pressure. It is also argued that, in fact, according to the FIR, Sandeep Arora and Sumit Sahani had witnessed the incident, but they have not been examined as witnesses in the court.

9. Learned counsel for the informant submits that the appellant had motive to kill the deceased. PW7, Smt. Krishna Devi, is the injured witness. She sustained injuries in the incident, which has been proved by PW8, Dr. Paramjeet Singh Cheema.

10. In reply to it, learned counsel for the appellant submits that, in fact, there is no medical examination report of PW7, Smt. Krishna Devi, the injured. Merely a certificate has been given by PW8, Dr. Paramjeet Singh Cheema, which further doubts the prosecution case.

11. Learned State Counsel adopts the arguments, as advanced by learned counsel for the informant.

12. 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.

13. Admittedly, the FIR is delayed in this matter. What would be its effect, it would be examined during the hearing of the case. It is also a fact that on 07.12.2016, at 08:10 am, when the post-mortem of the deceased was conducted, in the history, it is recorded that it is accidental death, as per the police papers. So is it written in the inquest, which began on 06.12.2016, at 05:00 pm. It would also fall for scrutiny as to how it is a case under Sections 302 and 307 IPC when in the initial documents, i.e. the post-mortem report and the inquest report, it is so stated categorically that it was a case of accidental death.

14. Having considered these aspects and other attending factors, we are of the view that it is a case in which the execution of sentence should be suspended and the appellant be enlarged on bail.

15. The bail application is allowed.

16. The sentence appealed against is suspended during the pendency of the appeal.

17. Let the appellant be released on bail during the pendency of the appeal on his executing a personal bond and furnishing two reliable sureties, each of the like amount, to the satisfaction of the court concerned.

**(Siddhartha Sah, J.)**

01.04.2026

**(Ravindra Maithani, J.)**

