

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 732/2016**

Date of Decision: May 30th, 2016

MANOJ SEHRAWAT Petitioner
Through Mr.R.N. Sharma, Adv.

versus

STATE (GOVT OF NCT OF DELHI) Respondent
Through Mr. Amit Chadha, APP for the State
with SI Karamvir, PS Narela.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

P.S.TEJI, J.

1. The present application under Section 439 of the Cr.P.C. has been filed on behalf of the petitioner for the grant of regular bail in FIR No.427/2012, under Sections 364/302/201/404/120B IPC, Police Station Narela.
2. Arguments advanced by learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State were heard at length.
3. The allegations leveled in the present case are that on 06.08.2012, a police report was lodged by one Yogesh with regard to missing of his mother Smt.Darshana Devi. It was alleged by the complainant in the complaint that his mother left the house on 21.07.2012 after being called by an unknown lady. Thereafter, the

mobile phone of his mother could not be connected. The complainant found two registers from the room of his mother wherein entries regarding money transaction were made. On the basis of complaint made, FIR No.427/2012, PS Narela under Section 365 IPC was registered.

4. During the course of investigation, call detail record of the mobile phone of Smt. Darshana Devi was analyzed and on the basis of same, accused Yash Pal @ Sonu was arrested, who disclosed that he had taken money from Smt.Darshana Devi and was unable to return it and thus, he planned to eliminate her. He also disclosed that on 21.07.2012, he along with accused Manoj took Smt.Darshana Devi towards village Daryapur. They both got down from the car on the pretext of tyre puncture and sat on the rear seat. Accused Yashpal caught hold the hands of Smt.Darshana and accused Manoj strangled her to death with her chunni. Accused Yashpal took ear ring, gold chain, mobile phone and cash of Rs.12,000/- of the deceased and then threw the dead body on the side of canal in bushes near village Rohat, PS Sadar, District Sonapat, Haryana. During further investigation, receipt of Muthoor Finance Corporation regarding mortgage of jewellery and SIM card which was used for talking to the deceased were recovered from accused Yashpal. At the instance of accused Yashpal, decomposed dead body of deceased was also recovered which was identified by her son Yogesh. Accused Manoj was also arrested and at the instance of both the accused persons, car used in the crime was recovered. Thereafter, Sections 302/201/120B/34

IPC were added in the present case.

5. During further investigation, ornaments of deceased were seized from Muthoot Finance office. A sum of Rs.47,045/- from accused Yashpal was also seized which he had taken after mortgaging the ornaments. Mobile phone of accused Yashpal was also seized. Two diaries of deceased having entry of Rs.14 lacs lent to accused Yashpal were also seized. Statement of one public witness Jogender was recorded who stated that he saw the deceased and accused Yashpal along with one person in the car near Sannoth Village, Narela. Moreover, the accused Manoj even refused to participate in the Test Identification Parade.

6. Arguments advanced by the learned counsel for the petitioner are that the deceased went missing since 21.07.2012 and her missing report was lodged on 06.08.2012 and the FIR was registered on 11.08.2012, whereas the statement of public witness PW7 Jogender was recorded on 18.08.2012 which creates doubt regarding the story of prosecution. It was further argued that the dead body was recovered on 14.08.2012 and in the post mortem report, no ante mortem injuries were found and also no exact cause of death was opined by the doctor. It was further argued that there is no report of the doctor to the effect that the death of the deceased was a homicidal death. Nothing incriminating has come on record against the petitioner. It was further submitted that the petitioner is behind the bar since 15.08.2012 and the conclusion of trial is likely to take time.

7. On the other hand, learned Additional Public Prosecutor for

the State has argued that witness Jogender has clearly identified both the accused persons as the persons who were lastly seen in the company of deceased on 21.07.2012 i.e. the day she went missing. It was further argued that the mobile phone locations of both the accused persons were found at the same location of mobile phone of the deceased on the day when the deceased went missing. The ornaments of deceased as well as their receipt mortgaging the same with Muthoot Finance Company were also recovered from accused Yashpal.

8. In the facts and circumstances, this Court is of the view that the allegations leveled against the petitioner are serious in nature to the effect that he criminally conspired with his co-accused and in furtherance of the said conspiracy committed the murder of deceased for a sum of Rs.1 lacs. It is specifically alleged against him that he was last seen in the company of deceased along with co-accused Yashpal and this fact has been stated in the statement of witness PW7 Jogender. The contention of the petitioner that no cause of death of deceased has been given by the doctor cannot be appreciated at this stage for the reasons that the trial is still going on and no comments on the merits of the case can be made at this stage. It is also apparent from the record that the highly decomposed dead body of the deceased was recovered and that too after many days of death. It is also specifically alleged against the petitioner that he strangled the deceased with the help of her chunni. It is also matter of record that the petitioner refused to join the Test Identification Parade.

9. In view of the seriousness of the offence and the fact that there was active involvement of the petitioner in the commitment of the murder of the deceased and he refused to join the Test Identification Parade, this Court does not find it fit to enlarge the petitioner on bail. The bail application is accordingly dismissed.

(P.S.TEJI)
JUDGE

MAY 30, 2016
dd

