

12# \$~

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

+ **BAIL APPLN. 1200/2016**

SONU VERMA

..... Petitioner

Represented by: **Mr. Shivam Chowdhary,**
Advocate.

versus

STATE (NCT OF DELHI)

..... Respondent

Represented by: **Mr. Hirein Sharma, APP for**
the State with Inspector Rambir
Singh, East Dist and ASI Puran
Singh, PS Gokal Puri.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

01.12.2016

%

1. By the present petition the petitioner seeks bail in case FIR No.112/2015 under Sections 302/201/120B/34 IPC registered at PS Gokal Puri, Delhi.

2. On 3rd February, 2015 a report was lodged regarding missing of Vijay Gaurav @ Monu aged 20 years. According to the family members Vijay Gaurav @ Monu had left his house on 27th January, 2015 without informing anybody and did not return. Though he had a mobile phone but he did not pick up the same and from the next day the phone was found to be switched off. A PCR call was received on 7th February, 2015 at PS Gokalpuri informing about the recovery of a decomposed unidentified body of a male aged 18-20 years. On inspection of the body multiple stab injuries were found on neck and stomach and a shirt of the size of a child was found tied

BAIL APPLN. 1200/2016

Page 1 of 3

on the waist of the deceased. On this FIR No.112/2015 under Section 302/201 IPC was registered.

3. The dead body was identified to be of Vijay Gaurav @ Monu by his father and brother. Statement of Sumit Kumar @ Ganja was recorded who stated that he had seen Vijay Gaurav @ Monu with a girl namely Komal on 30th January, 2015.

4. Komal was arrested and on her disclosure statement the petitioner and other co-accuseds were arrested. Sumit Kumar @ Ganja is a witness of last seen only qua Komal and not qua the present petitioner. As per the case of the prosecution pursuant to the arrest of the petitioner his bloodstained clothes were recovered which he had worn at the time of murder of the deceased. The said clothes were sent to FSL however, as per the FSL report no blood was found on the said clothes. Thus there is no material to connect the clothes recovered, allegedly worn by the petitioner at the time when the murder of the deceased took place.

5. Learned counsel for the petitioner points out that the petitioner is in custody since 15th February, 2015 and similarly placed co-accused Lokesh has already been granted bail by the learned Trial Court. Further the ground for granting bail to Lokesh was that his CDR did not tally with the other accused and thus there was no evidence to show that he was available on the spot at the time of incident.

6. From the petitioner, no mobile phone has been recovered neither has prosecution proved that he was having any mobile phone whose CDR could be produced to show the location of the petitioner at the spot when the incident took place.

7. Considering the facts and circumstances of the case and that the other co-accused who is similarly placed has been granted bail, this Court finds it fit to grant bail to the petitioner. It is, therefore, directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court, further subject to the condition that he will not leave the country without prior permission of the Court concerned.

8. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

DECEMBER 01, 2016
‘vn’