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

+ **BAIL APPLN. 1283/2016**

BABU LAL

..... Petitioner

Represented by: Mr. Sandeep Srivastava,
Advocate.

versus

THE STATE OF DELHI

..... Respondent

Represented by: Mr. Hirein Sharma, APP for
the State with Inspector
Paramjeet Singh, Inspector
Investigation and SI Pradeep
Kumar, PS Preet Vihar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

28.07.2016

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By this petition the petitioner seeks bail in case FIR No. 571/2014 under Sections 302/498A/304/34 IPC registered at PS Preet Vihar. The abovenoted FIR was registered on the statement of Pooja, the sister-in-law of the deceased Ram Devi and the petitioner herein stating that husband of Ram Devi, Asharam was working as beldar in Rajasthan and thus Ram Devi was staying alone in Jhuggi with her children. Pooja was staying in the Jhuggi nearby but for the purpose of toilet she had to go to the Jhuggi of Ram Devi. She stated that when she visited the Jhuggi at night around 12.00 AM she saw Babu Lal, the petitioner herein watching TV in the Jhuggi of Ram Devi. Babu Lal is the brother-in-law of both Pooja and Ram Devi. She told Babu Lal to switch off the TV which he did not, however, she came

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back to her Jhuggi to sleep. In the morning when she went to the Jhuggi of Ram Devi she saw Ram Devi was not responding and thus she called her father-in-law and husband who took Ram Devi to hospital where she was declared brought dead. As per the post-mortem report the cause of death is 'asphyxia' due to 'manual throttling'. Pooja has already been examined as PW-1 before the Trial Court and she has not supported the prosecution case. Even 'N' a minor daughter of Pooja who was also the witness to have seen Babu Lal at night in the room of his aunt has turned hostile. The present case is based on circumstantial evidence and the two witnesses of last seen, that is, Pooja and minor girl 'N' have already been examined and they have not supported the prosecution case.

Since the material five witnesses out of 25 witnesses to be examined by the prosecution have been examined and the trial is likely to take some time, I deem 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 two sureties of the like amount, out of which one surety would be a family member of the petitioner, subject to the satisfaction of the learned Trial Court. The petitioner will not leave Delhi without prior permission of the learned Trial Court.

Petition is disposed of.

Order dasti.

MUKTA GUPTA, J.

JULY 28, 2016/'vn'