

\$~40

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

+ **BAIL APPLN. 2167/2016**

GULAB CHAND

..... Petitioner

Through : Mr. Jitender Kumar Jha, Mr. Binod
Kumar Jha and Mr. Tribindh Kumar,
Advs.

versus

STATE

..... Respondent

Through : Mr. Amit Chadha, APP with
Inspector Shiv Raj Singh Bisht PS
Amar Colony.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

%

21.10.2016

Crl.M.A.16420/2016 (Exemption)

Allowed, subject to all just exceptions.

Application is disposed of.

BAIL APPLN. 2167/2016

Initially, FIR was registered under Section 307/34 IPC on the complaint of Smt. Bhagwati Devi. Later on, Smt. Bhagwati Devi died and Section 302 IPC was added. In her statement as contained in the FIR, Smt. Bhagwati Devi has categorically stated that on 5th April, 2016 at about 9:00 pm, petitioner along with co-accused persons came there. While co-accused poured kerosene oil on her, petitioner lighted match stick and threw on her, as a consequence of which, she caught fire and suffered burn injuries.

Learned counsel for the petitioner has vehemently contended that petitioner was not present at the spot. He was in B M Gupta Hospital where his wife was admitted. Hospital was far away from the spot, thus, presence of petitioner at the spot was not possible. Petitioner has provided CD on 21st April, 2016 to the Investigating Officer.

Learned additional public prosecutor submits that in the CD petitioner could not be identified, as per the FSL report. It is further submitted that enquiries were made from the hospital, which stated that CCTV footage are preserved only for 15 days and original CCTV footage is not available. Accordingly, CD produced to the petitioner is suspicious. Administrative Manager of B M Gupta Hospital namely Mr. Jeevan Thakur has been removed from the job by the hospital. His connivance is also being investigated in this case. B M Gupta Hospital was about 7-8 Kms away from the house of petitioner, inasmuch as was not on the panel of employer of petitioner. The nearest hospital from the house of petitioner and on panel of the employer of petitioner is Ayushman Hospital but still petitioner claims that his wife was taken there.

Keeping in mind the above facts, more particularly, that the petitioner has been specifically named by the deceased as the person who had thrown

the match stick on her after lighting it, I do not find it to be a fit case for grant of anticipatory bail to petitioner, inasmuch as custodial interrogation is required. Accordingly, application is dismissed.

A.K. PATHAK, J.

OCTOBER 21, 2016/dk