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

+ BAIL APPLN. 9/2016

SANTOSH

..... Petitioner

Through: Mr.Nitish Angrish & Mr.Trilok
Chand, Advocates

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Ms.Kusum Dhalla, APP for the State
with ASI Prem Chand PS Alipur

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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12.05.2016

15. The petitioner herein is seeking regular bail in case FIR No.303/2015 registered under Sections 302/34/120-B IPC at PS Alipur.

16. The accusations against the petitioner are that she got her husband killed through her cousins offering them rupees 10 lakhs for the job.

17. Learned counsel for the petitioner has submitted that petitioner is a lady and she has to take care of her children after the death of her husband. There is no material against her except some call detail record and disclosure statement and so she may be released on bail.

18. Perusal of the status report shows that on 2nd April, 2015 at 8.18 a.m. information was received regarding a dead body lying at City Farm Budpur nala wala road. The post mortem of the dead body was conducted and the cause of the death was opined to be asphyxia as a result of ligature

strangulation.

19. On the basis of call detailed record of mobile No.8742981948 of the deceased, it was revealed that the deceased had received last call on 1st April, 2015 at 22:25:02 from mobile No. 9813732625. There are 11 calls exchanged on 1st April, 2015 from 18:30:12 till 10:25:02. This mobile No. was used on various IMEI. After deep analysis of CDR and IMEI's two suspects Amit @ Mitu S/o Khel Singh R/o Village Badauli, District Sonipat, Haryana and Ravi S/o Late Prem Singh R/o Village Kailna, District Sonipat, Haryana were traced and interrogated. Mobile phones used in crime were also recovered from the accused persons.

20. Disclosure statement of the accused persons were recorded and a Maruti car bearing No. DL-4CH-9733 used by the accused persons to reach Alipur was also recovered. The petitioner Santosh, who is wife of the deceased was arrested on 6th April, 2015 on the basis of disclosure statement made by the co-accused.

21. The prosecution case against her was that she hatched a conspiracy with Amit @ Mitu, who is her cousin, to eliminate her husband, during her visit to her parental house between 15th March, 2015 to 30th March, 2015. Her mobile phone remained switched off during the period. She promised Amit @ Mitu to give rupees 10 lakhs to get her husband eliminated. Two calls were exchanged between accused Amit @ Mitu and Santosh on 1st April, 2015 as she had to tell Amit about the location of deceased over mobile phone. She has further disclosed that she had developed relationship with one Rajiv @ Raju who was her distant relative and business partner of her husband. She requested Rajiv @ Raju to arrange ₹ 8 lakhs. During course of investigation the daughter of applicant had stated that her mother

used to talk a number of times with someone to get her father killed.

22. The Hon'ble Apex Court in *Prasanta Kumar Sarkar Versus Ashis Chatterjee and another, (2010) 14 SCC 496*, has laid down the following principles to be kept in mind, while deciding petition for bail:

*"(i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;
(ii) nature and gravity of the accusation;
(iii) severity of the punishment in the event of conviction;
(iv) danger of the accused absconding or fleeing, if released on bail;
(v) character, behavior, means, position and standing of the accused;
(vi) likelihood of the offence being repeated;
(vii) reasonable apprehension of the witnesses being influenced; and
(viii) danger, of course, of justice being thwarted by grant of bail."*

23. The petitioner is facing trial in a case under Sections 302/34/120-B IPC at PS Alipur and she is alleged to be the master mind behind the conspiracy to kill her husband and offered rupees 10 lakhs to her cousin for killing her husband.

24. Taking into consideration the nature and gravity of the offence and the role attributed to the appellant, I do not find it to be a fit case to enlarge her on bail.

25. The application is dismissed.

26. Any observations made hereinabove for the purpose of dealing with the contentions raised during hearing of the bail application shall not be deemed to be an expression on merits of the case.

PRATIBHA RANI, J.

MAY 12, 2016/ 'pg'