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

+ **BAIL APPLN. 2708/2015**

AVDESH KUMAR NARAYAN Petitioner

Through Mr. Anuj K.Singh, Advocate
versus

THE STATE Respondent

Through Mr. Vinod Diwakar, APP.
Inspector Manoj Kumar, Police
Station K.M. Pur.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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31.03.2016

1. The petitioner seeks regular bail in case FIR No. 183/2011 under Sections 363/366/302/201/34 IPC registered at Police Station Kotla Mubarakpur. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. The petitioner is in custody since 17.06.2012. Co-accused-Prayag Narayan has been granted regular bail by the Trial Court on medical grounds.

3. Learned Additional Public Prosecutor for the State submits that the case is based only on circumstantial evidence. He has informed that the clothes of the victim were recovered at the instance of the accused persons; the rope with which the victim was strangled was also recovered. He has not referred to any other incriminating circumstantial evidence against the petitioner.

4. Trial Court record reveals that PW-1 Pradyut Sarkar and PW-2 Smt. Sadhna, victim's parents did not identify the dead body of the victim shown to them in the photographs Ex.PW-1/B-1 to PW-1/B-6. No DNA test was conducted on the dead body. Main allegations are against the Mohit who is Proclaimed Offender. The victim was allegedly kidnapped by him and subsequently performed marriage with her. They had lived together for about one year. When allegedly the victim insisted to go to Delhi, she was murdered. No specific role has been attributed to the present petitioner. PW-3 Bhura & PW-5 Darshan Lal have turned hostile.

5. Considering the facts and circumstances of the case, without going into the merits and demerits of the prosecution case, the petitioner is admitted to bail on his furnishing personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the Trial Court.

6. The bail application stands disposed of.

7. Trial Court record be sent back immediately.

S.P.GARG, J

MARCH 31, 2016

RS