

\$~12

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

+ **BAIL APPLN. 2218/2016**

VIJAY @ BITTOO

..... Petitioner

Through: Mr. Anuj Soni, Adv.

versus

STATE

..... Respondent

Through: Mr. Amit Chadha, APP for the State.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

%

06.03.2017

Learned counsel for the petitioner submits that in her dying declaration, recorded in the hospital, deceased Jyoti has not named the petitioner. He further submits that petitioner had not assaulted the deceased. As per the prosecution itself, Abhishek and his uncle-Vijay had gone to the first floor, where deceased was present in the room, and poured kerosene oil on her and set her on fire. Though, petitioner's name is also Vijay but he is not the Vijay, who is stated to had gone to first floor with Abhishek. Initially, FIR was registered under Sections 323/307/452/34 IPC but after the death of Jyoti in the hospital, after 4-5 days, Sections 302 IPC has been added. It is further submitted that the role assigned to the petitioner is that he, along with other co-accused Abhishek and his uncle-Vijay, gave beatings to Dharmender Singh (complainant), Pawan

and Darshana by dandas at the ground floor. Petitioner is in custody for the past six months. Investigation is complete and charge-sheet has been filed.

Learned APP for the State has opposed the grant of bail. It is contended that Abhishek and Vijay had gone to the house of Dharmendar Singh and quarrelled with his mother. During the quarrel, Vijay called the other accused persons who joined him at the ground floor and gave beatings to Dharmendar Singh, Pawan and Darshana with *dandas* resulting simple injuries to them. While the quarrel was going on at the ground floor, accused Abhishek and Vijay went to the first floor and poured kerosene oil on Jyoti and set her on fire.

Keeping in mind totality of the circumstances, petitioner is admitted to bail subject to furnishing a personal bond in the sum of ₹25,000/- with one surety in the like amount to the satisfaction of the trial court.

Bail application is disposed of.

Dasti.

A.K. PATHAK, J.

MARCH 06, 2017

ga