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

+ BAIL APPLN. 1390/2017

SUBHANG @ SUBHANKAR

..... Petitioner

Through: Mr.N.K.Rawal & Mr.Ravi Tikania,
Advocates

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Ms.Kusum Dhalla, APP for the State
with Insp.Arvind Kumar, SHO with
SI Ved Pal Sharma, PS Mangol Puri

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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03.08.2017

1. This bail application has been filed under Section 439 Cr.P.C. by the petitioner praying for his release on bail in case FIR No.2306/2014, under Section 302/34 IPC, PS Mangolpuri.

2. Learned counsel for the petitioner submits that the case FIR No.2306/2014, u/s 302/34 IPC, PS Mangolpuri is entirely based on circumstantial evidence and trial is likely to take long time, hence the petitioner be released on regular bail.

3. The status report has been filed by the State to the effect that on 5th December, 2014 Smt.Kamla, mother of the deceased lodged the missing report which was recorded vide DD No.11B that her son was missing since 4th December, 2014. When the search was on, on 5th December, 2014, Sh.Mohan Lal, husband of the informant got registered the FIR No.2306/2014, u/s 365 IPC, PS Mangolpuri about the kidnapping of his son. Smt.Kamla suspected her brother Om Prakash to be behind the kidnapping

of her son as her brother wanted to grab the house of her sister which she wanted to give to the son of Smt.Kamla namely Manoj, who was missing.

4. It is also mentioned in the Status report that case FIR No.1566/2014 u/s 279/304A IPC was registered at PS Narela in respect of the body found on the road. During investigation it was revealed that the person found on the road was the same person in respect of whose kidnapping FIR No.2306/2014 has already been registered. As per the post-mortem report the cause of death was head injury consequent upon blunt force impact to the head via injury No.1, which is sufficient to cause death in ordinary course of nature. Injury No.2 & injury No.3 were opined to be caused by sharp edged weapon and all injuries were fresh in duration and ante-mortem in nature. It has also been submitted that the weapon i.e. knife allegedly used in the occurrence has been recovered at the instance of the present petitioner and it is only during the trial that this fact can be proved.

5. Taking into consideration the nature and the gravity of the offence as well the fact that earlier bail application filed by the petitioner was dismissed as withdrawn by this Court, in the recent past on 8th May, 2017 and there is no change of circumstances, the prayer of the petitioner for grant of regular bail is declined.

6. The application is dismissed.

PRATIBHA RANI, J.

AUGUST 03, 2017

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