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

+ **BAIL APPLN. 2587/2016**

SAROJ

..... Petitioner

Represented by: **Mr. Nikhilesh Kumar,**
Advocate.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Represented by: **Ms. Rajni Gupta, APP for the**
State with Inspector Ashok
Kumar, PS Pul Prahlad Pur.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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14.03.2017

1. By the present petition the petitioner seeks bail in case FIR No. 502/2015 under Sections 302/506/342/34 IPC registered at PS Pul Prahladpur, Delhi.

2. Learned counsel for the petitioner contends that the petitioner is a married lady having a three year old minor child and has been falsely implicated in the present case due to previous enmity between the two families. Even the star witness of the prosecution Manoj Kumar who first of all heard the voice and woke up Raju, father of the deceased did not find the petitioner at the relevant time. As the trial is likely to take time, petitioner be released on bail.

3. Learned APP for the State has taken me through the statement of Raju, father of the deceased who stated that his son told him that Dilip,

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Pradeep, his mother and sister-in-law caught hold of him and beat him.

4. On 5th December, 2015 at 1.25 AM an information regarding apprehension of a thief at F-183, Gali No. 18, Mittal Chowk, Pul Prahladpur was received at PS Pul Prahladpur vide DD No.5A which was marked to HC Uttam. When the Investigating Officer, HC Uttam reached the spot, the injured had been taken to the hospital by the PCR van. The injured was declared unfit for statement and though FIR was initially registered under Section 308 IPC, Sections 307/506/34 IPC were added on 6th December, 2015 after recording the statement of Raju, father of the deceased Sagar. Raju stated that on the intervening night of 4th/5th December, 2015 Manoj his neighbour informed that he could hear the voice of his son Sagar crying from inside the house of his neighbour Dilip @ Duldul. When he went along with Manoj to the house of Dilip he heard the cries of his son. When they knocked, no one opened the door. A PCR call was made and the door was opened only when the police officials came. On opening of the door his son came out in an injured condition and narrated that Dilip @ Duldul, Tiger, his mother and Tiger's sister-in-law dragged him from the street and beat him.

5. During investigation statement of witness Manoj Kumar, Begraj and Mehtab were also recorded under Section 161 Cr.P.C. Manoj Kumar who was the first person to hear the noise of Sagar crying in the house of Dilip, and had informed Raju, the father of Sagar about the incident, he stated that when the door was opened he saw Duldul @ Dilip, Pradeep and his mother Raj Kumari present. Manoj Kumar does not speak of the presence of the present petitioner Saroj, who is the sister-in-law of Tiger, though Raju as

informed to him by Sagar takes the name of the present petitioner. In the statement recorded under Section 161 Cr.P.C. Begraj is also silent about the presence of the persons whom he saw when the door was opened because he was also one of the person in whose presence the door was opened and the victim came out.

6. Considering the fact that the petitioner is residing in the same house, a mother of three year old child, has not been named by one of the witnesses in his statement under Section 161 Cr.P.C. and also the fact that she has been in custody for nearly last 8½ months and is no more required for investigation, this Court deems it fit to grant bail to the petitioner. It is, therefore, directed that the petitioner be released on bail on her furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the Trial Court, further subject to the condition that she will not leave the country without the prior permission of the Court concerned and will intimate any change of address through an affidavit to the Trial Court.

7. Petition is disposed of.

8. Order dasti.

MUKTA GUPTA, J.

MARCH 14, 2017/‘vn’