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

+ **BAIL APPLN. 266/2018**

RAVINDER NAIN

..... Petitioner

Through

Mr. Surender Tyagi, Adv.

versus

THE STATE (NCT OF DLEHI)

..... Respondent

Through

Mr. Ashish Dutta, APP for State with
Insp. Rishi Pal Singh SHO PS
Shalimar Bagh.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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07.03.2018

It has been submitted on behalf of the applicant that the applicant has been falsely implicated in the instant case and that he has no role whatsoever to play and the weapon of offence was recovered from by the co-accused Pankaj Mehra, who has himself been arrested for the murder of his spouse in relation to whom co-accused Pankaj Mehra had himself lodged a complaint of some unknown persons who had stopped the car and had fired on his car and his upon her wife as a consequence of which he had taken her to the hospital where his wife had died after succumbing to injuries.

On behalf of the State, the application is opposed submitting to the effect that the weapon of offence was provided to the co-accused Pankaj Mehra by the applicant.

In reply to the specific Court query, it has also been submitted by the State that this assertion is made on the basis of the disclosure statement made by the co-accused Pankaj Mehra, the person who has allegedly murdered his wife. The State has further submitted that there are call details

BAIL APPLN. 266/2018

page 1 of 2

of the mobile phone belonging to the accused Pankaj Mehra and the

applicant under consideration and the calls revealed that on the date of incident i.e. on 25.10.2017 at 04.52.09 hours, 04.55.46 hours and 04.56.19 hours, there were calls between the applicant and the co-accused Pankaj Mehra, which makes the role of the applicant circumspect. It has also been submitted on behalf of the State in reply to the specific Court query that there are no adverse antecedents against the petitioner.

Without any observations on the merits or demerits of the case and taking the totality of the circumstances of the case into account as it has also been submitted on behalf of the applicant that even call details could be towards creation of evidence by the co-accused for the murder of his spouse and taking into account the factum that the alleged handing over of the weapon of the offence by the applicant to the co-accused Pankaj Mehra as contended on behalf of the State is only on the basis of the disclosure statement of the co-accused, it is considered appropriate that in the event of arrest of the applicant, the applicant is allowed to be released on bail subject to the appellant furnishing a personal bond in the sum of Rs.1,00,000/- with one surety of the like amount to the satisfaction of the learned Trial Court and subject to the conditions that he shall not leave the country without the permission of the learned Trial Court, shall not intimidate the witnesses in any manner, shall not tamper with the evidence and shall join the investigation as and when required.

Copy of the order be given *Dasti*, as prayed.

ANU MALHOTRA, J

MARCH 07, 2018/MK
BAIL APPLN. 266/2018

page 1 of 2