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

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Judgment delivered on: 23.03.2018

+ BAIL APPLN. 584/2018

ANIL KUMAR

..... Petitioner

versus

STATE GOVT OF NCT OF DELHI

..... Respondent

Advocates who appeared in this case:

For the Petitioner :

Mr. Abhay Man Tripathi, Adv.

For the Respondent :

Mr. Mukesh Kumar, Addl. PP for the State
with Insp. Vinay Tyagi

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

23.03.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner seeks regular bail in FIR No. 64/2008 under Section 302 registered at Police Station Karawal Nagar, Delhi.
2. The allegations made in the FIR are that the daughter of the complainant who was aged 7 years of age had been murdered by someone.
3. Learned counsel for the petitioner submits that the petitioner

has been falsely implicated. He submits that the petitioner has been implicated solely on the basis of theory of last scene. However, the evidence does not support the theory of the last scene. He submits that the brother of the deceased in his statement has stated that the deceased was sitting on the steps of the house of the petitioner at the time when people were celebrating Holi. It is further stated that several people were present in and around the said area and the deceased was talking with one Vicky. As per the statement of the brother of the deceased, he had seen his sister walking away in a lane towards a house under construction, from where subsequently her body was recovered.

4. Learned counsel for the petitioner submits that nowhere has it come in evidence that the deceased was last seen in the company of the petitioner. He further submits that the staircase referred to by the brother is, in fact, a staircase in the public street and not inside the house of the petitioner. Learned counsel submits that the petitioner was subjected to polygraphical examination and specific questions were put to the petitioner with regard to the subject offence and the answers were in negative. It is submitted that at the time of polygraphic assessment, *Brain Electrical Oscillation Signatures Profiling* was also conducted and the opinion of the expert is that the version of the petitioner is *truthful*.

5. Without commenting on the merits of the case and perusal of

the record shows that the petitioner has made out a case for grant of bail.

6. Accordingly, petitioner is directed to be released on bail on his furnishing a bail bond in the sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of the concerned trial court. The petitioner shall not do anything which shall prejudice either the trial of the prosecution witnesses. The petitioner shall not leave the country without the permission of the trial court.

7. Order *Dasti* under signatures of the Court Master.

MARCH 23, 2018
‘rs’

SANJEEV SACHDEVA, J

भारतमेव जयते