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

+ **BAIL APPLN. 1089/2018**

DIVYA

..... Petitioner

Represented by: Mr.Ashutosh Jha, Adv.

versus

SATTE OF NCT & ORS

..... Respondents

Represented by: Ms.Rajni Gupta, APP for State.
Inspector Vipin Yadav PS
BHD Nagar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

10.08.2018

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1. By this petition, the petitioner seeks bail in case FIR No.2 of 2018 under Sections 302/201/202/203/120B and 34 IPC registered at PS Baba Hari Das Nagar.

2. The above noted FIR was registered on the statement recorded of the petitioner herself who is the daughter of deceased Diwan Singh. The petitioner in the FIR stated that at about 2.30 AM, three persons entered their house, attacked her father and looted some gold and silver jewellery, one Samsung J-7 mobile having SIM of Idea No.8505911495 and one old laptop of Samsung Company. Since deceased Diwan Singh received injuries and later died in the hospital on 8th January, 2018 i.e. after 5 days Section 302 IPC was also added to the investigation.

3. As per the post mortem report the cause of death of Diwan Singh was opined as “due to crania cerebral injury by forceful multiple blunt impacts over skull”. It was also opined that the head injury was sufficient to cause death in ordinary course of nature and all injuries are ante mortem in nature and are of same duration. The analysis of post mortem report also revealed that a ligature mark was present on the upper border of thyroid cartilage in the form of groove with base dry, hard, parchment like reddish brown in colour, placed obliquely going towards the lateral aspect of right side of neck, along with other injuries. Thus, post-mortem report also noted that the accused persons had tried to strangulate Diwan Singh whereafter injuries were caused. Thus the intention to kill Diwan Singh was evident from the nature of injuries caused.

4. During the course of investigation, suspicion arose on the petitioner’s conduct and thus investigation was carried out qua the petitioner. It was revealed that the petitioner was using three mobile phones bearing Nos.9212076005, 9210405356 and 8076011653, out of which, Mobile No.9212076005 was registered in her name and Mobile No.9210405356 in her father’s name and Mobile No.8076011653 in the name of one, Ashutosh. Further a sim card of Mobile No.8076011653 was also used in other mobile that is ID No.354010083015512 which was a samsung mobile recovered at the instance of accused Piyush @ Om Prakash on 7th January, 2018. The call record of the petitioner also revealed that two outgoing messages on 2nd January, 2018 at 22.15 hours and 23.51 hours and one outgoing call on 3rd January, 2018 at 5.32 hours for 22 seconds which was thus prior to and after the alleged incident in the intervening night of 3rd January, 2018. The

outgoing messages and calls were made to No.8607764946 which was in the name of Deepak and except the intervening night of 2nd and 3rd January, 2018 when the location of this phone was in around the area in Delhi, the location of this phone was in Haryana. Further, analysis of the mobile phones was conducted and the conspiracy was unearthed.

5. Considering the nature of offence which included murder of the father of the petitioner along with dacoity/robbery at the house and recovery of looted property from person found to be a linked with the petitioner and her making calls and messages at the said night to people connected with the alleged offence, this Court finds no ground to grant bail to the petitioner.

6. Petition is dismissed.

MUKTA GUPTA, J.

AUGUST 10, 2018
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