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

+ **BAIL APPLN. 1164/2018**

KAMLESH

..... Petitioner

Represented by: Ms. Radhe Shyam Jha and
Kavita Ravi, Advocate.

versus

STATE (NCT OF DELHI)

..... Respondent

Represented by: Ms. Rajni Gupta, APP with SI
Manish Tyagi, Insp. Harkesh
Gaba and PS Gandhi Nagar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

24.08.2018

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1. By this petition, the petitioner seeks bail in case FIR No. 432/2017 under Sections 302/201/34/120B/176 IPC registered at PS Gandhi Nagar.
2. Investigation in the above noted FIR was set into motion on receipt of a PCR call vide DD No. 6A at 5:50 hours on 27th September, 2017 at Gandhi Nagar informing that a man has been burnt to death inside a temple at Gali No. 4, Kailash Nagar, Gandhi Nagar, Delhi. On reaching the spot, it was found that on the first floor of the temple in a room the dead body's face was downwards, it was in a semi-burnt condition and a foul smell was coming from the dead body indicating that the process of decomposition had started.
3. The body was identified to be of Chander Shekhar. During the course

of investigation incriminating materials like an empty container smelling of kerosene, pieces of rope, burnt articles including cloths of deceased, strips of medicines and plastic bottle etc. were seized.

4. From the statement of witnesses the room was found to be in the name of Lakhan Dubey and the petitioner who is the wife of Lakhan Dubey. On investigation it was revealed that the petitioner was living at her matrimonial home where she had an extra marital affair with the deceased which came to the knowledge of her father-in-law who told her husband. Thereafter the husband of the petitioner brought the petitioner to Delhi and it is alleged that at this place the conspiracy to murder of Chander Shekhar was hatched and in furtherance thereof the petitioner called Chander Shekhar to Delhi from her mobile No. 8750920657 on the pretext that her husband had gone out of Delhi. She also asked him to bring the sleeping pills so that the children would fall asleep.

5. The prosecution has collected CDR details of the petitioner's mobile phone which was in the name of her husband and that of the deceased which shows constant talks between them enroute Delhi. Further as per the post mortem report the cause of death is asphyxia due to ante mortem pressure on neck by firm to hard object. There were other ante mortem injuries at front and right side of neck, over back and left side of neck, at face and lateral chest part. Post mortem burn injuries were also found almost on the entire body. Death was opined to be four days prior to the post mortem which tallied with the date when the deceased was called to Delhi by the petitioner.

6. Further the Farsa which was used as a weapon of offence was recovered at the instance of the husband of the petitioner and mobile phone

and the clothes of the deceased were recovered at the instance of the petitioner. The DNA profiling showed that the blood detected on the nylon rope, burnt pieces of mattress, cotton having blackish strain, earth control, T-shirt, and hair strand etc. and blood found on the sari of the petitioner was that of the deceased.

7. Considering the nature of evidence available with the prosecution, this Court finds no ground to grant bail to the petitioner.

8. Petition is dismissed.

MUKTA GUPTA, J.

AUGUST 24, 2018
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