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

+ **BAIL APPLN. 1494/2018**

SANDEEP @ RAJU

..... Petitioner

Represented by: **Mr. Akhilesh Singh, Advocate.**

versus

GOVT OF NCT OF DELHI

..... Respondent

Represented by: **Ms. Meenakshi Chauhan, APP
for the State with SI Dharendra
Singh, PS Bawana.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

16.08.2018

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1. By this petition, the petitioner seeks bail in case FIR No. 314/2017 under Sections 182/199/120B/201/396/420 IPC registered at PS Bawana.
2. The investigation in the above noted FIR was initiated after the PCR call was received at 8:30 AM on 4th April, 2017 recorded by DD No. 7-A at PS Bawana informing that “ ek ladke ne faasi laga li hai” at factory No. L-36, Near Bhagat Singh Chowk Sector-1, Bawana Industrial Area. When ASI Narender Kumar along with the staff reached at the spot he found a male dead body lying in a hall on the first floor of the factory. The name of the deceased was revealed as Pappu S/o Late Shobran Singh. The petitioner who was also working in the said factory claimed himself to be the brother of the deceased and even the factory owner stated that the deceased and petitioner

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were brothers. Raju and Pappu were residing on the top floor of the factory and at the time of incident CCTV was found installed at the stairs of the factory, footage whereof was collected.

3. From the CCTV footage it was revealed that a scuffle took place between Raju, his wife and Pappu in the night of 3rd April, 2017 at about 11:20:24 PM on some issue whereafter the petitioner and his wife went to the top floor. At 12:52:38 AM on 4th April, 2017, Pappu himself was seen carrying a wooden ladder from the top floor to the room where he used to sleep. Further CCTV footage reveals that on 4th April, 2017 at about 06:00 AM when Raju came down and noticed that Pappu was hanging, he and his wife removed the body of Pappu on the floor. Information of the incident was given by one Khub Singh, co-worker who on the relevant date was not sleeping in the factory and had gone somewhere else. According to Khub Singh, he was informed by the petitioner, who in turn informed the police and the owner of the factory.

4. Thus, from the CCTV footage captured it is evident a scuffle took place between the petitioner, his wife and Pappu at 11:20:24 PM on 3rd April, 2017 whereafter they left for their room on the top floor to sleep and Pappu did not follow them, rather went to his room to sleep later on at about 12:52:38 AM on 4th April, 2017 where he hanged himself.

5. Prima facie a mere scuffle cannot be an instigation to commit suicide. There is no material to show that the petitioner harassed, tortured or conducted any act which make amount to abatement of suicide. Further learned counsel for the State states that Section 420 IPC has been invoked for the reason that the petitioner did not disclose that he was not the real

brother of the deceased and claimed the body. Without commenting on what offences if any could be made out as the matter is yet to be considered by the learned Trial Court at the stage of framing of charge, this Court deems it fit to grant bail to the petitioner.

6. It is, therefore, directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety bond of the like amount, subject to the satisfaction of the learned Trial Court, further subject to the condition that the petitioner will not leave NCT of Delhi without prior permission of the learned Trial Court and in case of change of residential address will intimate the same to the learned Trial Court.

7. Petition is disposed of.

8. Order dasti.

MUKTA GUPTA, J.

AUGUST 16, 2018
‘yo’