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

+ **BAIL APPLN. 2093/2018**

RAHUL MATTA

..... Petitioner

Represented by: Petitioner in custody.

versus

STATE

..... Respondent

Represented by: Ms. Rajni Gupta, APP for State with
Inspector Rupesh Kumar Khatri, PS
Madhu Vihar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

10.10.2018

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1. By this petition, petitioner seeks bail in case FIR No.11/2017 under Sections 302/307/186/353/332/436/285 IPC registered at PS Madhu Vihar.
2. The petitioner who appears in person has been produced in Court pursuant to production warrants issued by this Court.
3. At the outset of the hearing, this Court asked the petitioner whether he would like to take legal assistance, which he refused and stated that he would address arguments on his own and in this regard he had filed a petition and additional written submissions. Petitioner has taken this Court through the various pages filed by him which have detailed the various provisions of Cr.P.C, Indian Evidence Act besides the decisions of the Hon'ble Supreme Court and High Courts. Though the petitioner orally submits that he seeks a quietus to FIR No. 923/2015 under Sections 354/354D/509 IPC registered at PS Madhu Vihar as also FIR No.11/2017

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under Sections 302/307/186/353/436/332/333 IPC registered at PS Madhu Vihar however, since the prayer in the present petition confines to bail in case FIR No.11/2017 this Court is confining itself to the said prayer only.

4. Petitioner claims that petitioner's relations with his parents were estranged, the petitioner who had married Ms. Upma Gaur Matta was not given proper treatment by his parents and the petitioner's wife and the two children were at the mercy of his parents. The petitioner was falsely implicated in FIR No.923/2015. Despite the petitioner informing the investigating agency and the Courts also that no such incident has taken place and that the same was a case of false implication the trial against the petitioner continues. Case of the petitioner in relation to FIR No.11/2017 is also that the petitioner was falsely implicated. No injury was inflicted by him on his father, rather the petitioner was burnt and in burnt condition dragged to the hospital and produced before the Court. The petitioner states that there was no motive for the petitioner to have murdered his father as alleged or to have caused injuries to the neighbour. Petitioner has been in custody since 8th January, 2017 and due to his remaining in jail his right to defence is being hampered and his wife, who is filing the various petitions before different Courts is being misguided causing procedural difficulties. Petitioner was a Marine Officer and has complied with all international rules and regulations in life and is thus a law abiding citizen. Considering the fact that no offence is made out against the petitioner and there is no legally admissible evidence with the prosecution to prove the same, the petitioner be released on bail on his personal bond without any surety.

5. Status report has been filed. Based on the status report, learned APP
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for the State contends that the above noted FIR was registered after a PCR call was received regarding stabbing by one person to another at Ajanta Apartments. On the PCR reaching the spot the petitioner was found there who had locked himself in the house. Petitioner was in possession of the knife from which he had attacked several times on his father. When the police officers sought to open the door, petitioner opened the gas nozzle and set the same on fire causing dangerous burn injuries to six police officers and simple injuries to three officers. When the petitioner tried to escape, he was apprehended and the chopper was recovered from his possession. Further besides the father of the petitioner who succumbed to the injuries caused to him, one other neighbour Ms. Renu Bansal was also inflicted injuries which were also opined to be dangerous in nature.

6. As noted above, investigation started on receipt of the PCR call and on PCR staff reaching at the spot immediately it was informed that an incident of murder had taken place at Ajanta Apartments. Two injured persons were rushed to the hospital one being Ravinder Kumar Matta, father of the petitioner and the other their neighbour Ms. Renu Bansal. Since the petitioner had locked himself up in the room and was not permitting entry, when the police officers were trying to force themselves inside, he opened the nozzle of the LPG and set the same on fire. Six officers suffered dangerous injuries of burn and three received simple injuries. Thus FIR No.11/2017 was registered on the complaint of SI Sanjay Kumar. No statement of the deceased Ravinder Kumar Matta could be recorded as he was declared brought dead by the doctors at the hospital.

7. Statement of Renu Bansal has been recorded under Section 161 Cr.P.C. wherein she stated that on 8th January, 2017 she along with her husband was present at her house. Around 2.30 noon her friend Neha Mohan called her on her mobile phone stating that Rahul Matta has inflicted injuries on his father on the main gate of the society and was trying to assault his mother. On hearing this Renu Bansal went downstairs to look after her friend Ms. Vibha Matta, that is, mother of the petitioner, when she saw that Rahul Matta, petitioner herein was going to their flat and had choppers in his both hands which were bloodstained. The gate of Rahul Matta's flat was closed and on seeing Renu Bala, he got agitated and stated that she was a well wisher of his mother and thereafter he attacked Renu Bansal on her face with the chopper. Renu Bansal tried to run away but the chopper hit her head and she fell down unconscious. In the meantime, her husband came who took her to the hospital in his car.

8. Statements of two eye witnesses i.e. the guard Nandan and G.L. Gupta, resident of the society have been recorded under Section 161 Cr.P.C. who have witnessed the petitioner inflicting chopper blows to his father.

9. As per the post mortem report, deceased Ravinder Kumar Matta has received as many as 30 incised wounds and two abrasions. Cause of death has been opined to be due to shock and haemorrhagic shock due to ante mortem cut throat injury associated with cranio-cerebral damage produced by heavy sharp cutting weapon. All injuries were ante mortem in nature, fresh in duration and injuries Nos. 1 to 30 were produced by heavy sharp cutting weapon and injury Nos. 3, 6, 8, 10, 11 and 20 were sufficient to cause death in the ordinary course of nature, individually and collectively.

Subsequent opinion was also rendered by the post mortem doctor stating that the injuries were possible by the weapon of offence seized.

10. Parties have shown to this Court orders of the learned Trial Court where the matter is not being proceeded further on one pretext or the other resulting in delay even in framing of charge. On a query put to the petitioner as to whether he would like to take a legal assistance the petitioner agrees that legal assistance of a lady lawyer be provided so that procedural aspects can be taken care of with her help by his wife. The learned Trial Court would look into the matter and provide a lawyer to the petitioner at State expense, if the petitioner so desires.

11. Considering the material collected during investigation and the fact that the eye witnesses are yet to be examined before the learned Trial Court this Court finds no ground to grant bail to the petitioner.

12. Petition is dismissed.

13. Copy of the order be communicated to the petitioner through Superintendent, Mandoli Jail No.13.

MUKTA GUPTA, J.

OCTOBER 10, 2018

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