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

+ **BAIL APPLN. 2801/2018 & CrI.M.A. 48302/2018**

SATYAWAN

..... Petitioner

Through: Mr. Pramod Kumar & Mr. Om
Prakash, Advs.

versus

THE STATE

..... Respondent

Through: Mr. Amit Ahlawat, APP for the State.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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29.11.2018

On 07.01.2016, sometime after 10.20 a.m. dead body of Nannu Ram was discovered by some public person, this leading to PCR call being made. The dead body was initially not identified, the identity being established later. Hari Singh @ Hariya described as an eye witness was examined on 07.01.2016 and he provided material on the basis of which needle of suspicion pointed towards the applicant. He being arrested on 12.01.2016. Hari Singh @ Hariya whose testimony was expected to also substantiate the motive – money owned by the deceased to the applicant, when examined at the trial concededly was not supportive of the prosecution story.

The learned additional public prosecutor fairly conceded that the case now rests on circumstantial evidence, the prime ones being of recovery of

the stolen mobile of the deceased at the instance of the applicant from a room in the house of his relative and of the weapon of the crime recovered from a place nearby the location where the dead body was found, the last seen evidence having failed because the witnesses to that effect would not support. The proceedings of the police recorded on 07.0.1.2016 in the wake of the discovery of the body *prima facie* show that the place around was duly inspected at that point of time.

In these circumstances, a case for release of the applicant on bail is made out. Granted accordingly subject to the following conditions:-

- (i). The petitioner shall furnish a personal bond in the sum of Rs.20,000/- with one surety in like amount to the satisfaction of the trial court.
- (ii). Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the trial court.
- (iii). He shall join the investigation as and when called upon by the investigating officer to do so.
- (iv). He shall scrupulously appear at each and every stage of the proceedings before the trial court so as not to cause any obstruction or delay to its progress.
- (v). He shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.
- (vi). He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to

dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence; and

(vii). He shall not leave India without the prior permission of the court of cognizance or the trial court, as the case may be, and to ensure due compliance with this condition and shall deposit his passport, if he holds one, with the said court.

The bail petition and the applications filed therewith are disposed of in these terms.

A copy of this order shall be transmitted to the jail authorities and to the trial court.

Dasti under the signatures of Court Master.

R.K.GAUBA, J

NOVEMBER 29, 2018

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