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

+ **BAIL APPLN. 2340/2018**

JITENDER KUMAR

..... Petitioner

Represented by: **Mr.Sunil Sharma, Advocate**

versus

STATE

..... Respondent

Represented by: **Ms.Rajni Gupta, APP for the State**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

16.01.2019

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1. By this petition, the petitioner seeks bail in case FIR No.840/2016 under Sections 302/201/120-B/34 IPC registered at PS Ranhola.

2. The abovenoted FIR was registered after a PCR call as received at 10:41 AM on 10th November, 2016 informing about a dead body lying with injury on eye near Kheri Baba Pull, Royal International School, Dass Garden, Baprola. The dead body was examined and injuries were found on the left eye, face, hands and other parts of the body and blood was oozing out from the injuries. In the meantime, one Smt.Shantwana along with her son namely Bhuvan approached the police and reported about her husband namely Arun Kumar missing. She was taken to Sanjay Gandhi Mortuary where she identified the dead body to be of her husband Arun Kumar. As per the post-mortem report, cause of death was opined to be 'due to combined effect of manual strangulation and haemorrhagic shock as

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a result of chest injury and cerebral damage, consequent to blunt force/object impact. All injuries are ante mortem in nature’.

3. On analysis of the CDR of Smt.Shantwana, it was found that she was in constant touch with one Sandeep Sehrawat on the intervening night and prior to the incident. On interrogation, her son stated that at around 8:30 PM on 9th November, 2016 Sandeep came to their house in drunken condition and stated that Shantwana was not happily living with her husband and wanted to get rid of him thus she contacted Sandeep who in turn contacted his friend Jitender petitioner herein and Subhash.

4. Though there is no direct ocular evidence to connect the petitioner however the circumstantial evidence on record shows that the clothes recovered pursuant to the disclosure statement of the petitioner were soiled and the soil on the said clothes matched with the soil where dead body of the deceased was recovered. Further analysis of the mobile phone showed that the petitioner’s phone was also in regular touch with that of Sandeep.

5. Considering the circumstantial evidence on record, this Court finds no ground to grant bail to the petitioner.

6. Petition is dismissed.

7. Copy of this order be communicated to the petitioner through Superintendent, Tihar Jail.

MUKTA GUPTA, J.

JANUARY 16, 2019

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