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

+ **BAIL APPLN. 169/2019**

GOPAL

..... Petitioner

Through Ms. Manika Tripathy Pandey,
Advocate (DHCLSC) with Mr.
Ashutosh Kaushik & BRahm Kumar
Pandey, Advocates

versus

STATE

..... Respondent

Through Mr. Kewal Singh Ahuja, APP with
Insp. Ravindra Singh, P. S. Hauz
Qazi

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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08.03.2019

The petitioner is facing trial in the court of Sessions (Session Case No.1420/15), arising out of charge sheet filed upon completion of the investigation into first information report (FIR) No.147/2012 of Police Station Hauz Qazi, Central Delhi. He was arrested on 16.11.2012 during the course of the investigation. The charges framed against the appellant included Sections 364/328/392/302/201/404/34 of Indian Penal Code, 1860 (IPC) read with Section 120-B IPC or in the alternative Section 34 IPC.

The case concerns the homicidal death of Ashok @ Ashoki on 03.10.2012, who was deployed to deliver some cargo of his employer (Satish Bajaj), in delivery van No.DL-1LJ-8905, owned by Mohd. Saddam. Since, the delivery van did not reach the intended destination and neither the said vehicle nor its driver could be traced,

initially the suspicion of Satish Bajaj was that the deceased had run away with the cargo. FIR No.147/2012 was registered under Section 364/328/302/201/379/411/404/120B/34 IPC. It appears that Mohd. Saddam upon being contacted disclosed that he had given to the deceased a mobile phone of his brother Mohd. Aslam for his use during the journey in question. The forensic scrutiny revealed that the said mobile phone instrument had come into use of Pooja, wife of the petitioner, from 09.10.2012, it being operative in her hand till 15.12.2012. This led the police to investigate the role of the petitioner whose disclosure led to the co-accused (Vikas) being traced. Also, pursuant to the said disclosure, certain recoveries were made including discovery of the fact that the dead body of the deceased had been earlier found by Uttar Pradesh Police on 10.11.2012 in a decomposed condition, autopsy thereon had been carried out, which found the death to be homicidal. Some arguments as to the identity of the dead body are raised, but given the nature of circumstances leading to the homicidal death, it will not be appropriate for this court to express an opinion on the defence plea on this subject at this stage.

The chronology of events, leading to grave suspicion being raised against the petitioner, are sufficient at this stage to infer that the charge against the petitioner is well founded. No good ground to release him on bail. The petition is dismissed.

R.K.GAUBA, J

MARCH 08, 2019/b

