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

+ **BAIL APPLN. 238/2020**

BAJID ALI ANSARI

..... Petitioner

Through: Mr Kishor Kumar Mishra, Mr Aditya Mishra, Mr Prem Prakash and Ms Akansha Jain, Advocates.

versus

STATE

..... Respondent

Through: Mr Amit Gupta, APP for State with Insp. T. R. Meena, SHO New Ashok Nagar.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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27.02.2020

1. The petitioner has filed the present petition, *inter alia*, seeking bail in connection with FIR No.1101/2015, under Section 302 of the IPC, registered with PS New Ashok Nagar.
2. On 06.04.2015, a PCR call was made by the son of the deceased. The said information was recorded in DD No.21B. On the police officials reaching the residence of the deceased (A-1143 G. D. Colony, Delhi), they found the dead body of the deceased lying on the floor. The deceased was wearing a warm apparel on the upper part of his body and the lower part of his body was naked. The dead body of the deceased was discovered by the maid, who was working at his residence.
3. It was reported that the deceased was living alone and had separated

from other relatives. The examination by the doctors found that the cause of the death was asphyxia, due to smothering. It was also revealed that the deceased had consumed alcohol prior to his death. The daughter of the deceased reported that one gold chain and a gold finger ring, which used to be worn by the deceased, was missing. It was also reported that cheque leaves from the cheque books of the deceased and certain property documents were also missing.

4. The investigations revealed that money from the account of the deceased was withdrawn by presentation of cheques. It was found that the cheques were deposited in the accounts of various persons in Gujarat and in Rajasthan. Inquiries from the said persons revealed that they had been provided cheques by the petitioner. The call details were analysed and the same indicated that all persons who were depositing cheques had received calls from a particular number, which was traced to be in possession of the petitioner's brother in law, who confirmed that the handset had been given to him by the petitioner.

5. According to the prosecution, circumstantial evidence establishes that the cheques were stolen by the petitioner and it is inferred that he had committed the murder of the deceased.

6. The prosecution proposes to examine 32 witnesses, out of which 18 witnesses have already been examined. The petitioner has been in custody since 18.12.2015. It is also confirmed that remaining witnesses are formal witnesses.

7. In view of the above, there is little likelihood of the petitioner influencing the trial. Considering that the petitioner has already been in

custody for over four years, this Court considers it apposite to allow the present petition.

8. The petitioner be released on bail on furnishing a Personal Bond in the sum of ₹25,000/- and two sureties of the like amount to the satisfaction of the Trial Court. This is also subject to the following further conditions:-

- a) That the petitioner shall provide his mobile number and ensure that he is reachable at all times.
- b) That the petitioner shall continue to be present in the proceedings before the Trial Court.
- c) That the petitioner shall not leave the National Capital Territory of Delhi.
- d) That the petitioner shall report to the concerned police station (police station having jurisdiction over the place where he resides) on the first and third Monday of every calendar month.

9. The petition is allowed in the aforesaid terms.

10. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

FEBRUARY 27, 2020
MK