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

+ **BAIL APPLN. 1012/2020**

SUMIT

..... Petitioner

Through: Mr Ashish Verma, Mr Vijay Kari
Singh and Mr Daksh Wadhawan,
Advocates.

versus

STATE

..... Respondent

Through: Mr M. S. Oberoi, APP for State.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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03.06.2020

[Hearing held through video conferencing]

1. The petitioner has filed present petition seeking interim bail for a period of three months.
2. A status report has been filed, which indicates that the petitioner is in custody in FIR No.321/2019 under Section 302/120-B/201/212/34 of the IPC registered with PS Sagarpur. It is stated that on 13.07.2019 at about 9:46 PM information was received in PS Sagarpur from the complainant who alleged that in Gali No.6, Tent Wala School, Main Sagar, New Delhi her husband was beaten and is injured. It is stated that a police official was despatched to the spot and on reaching the spot he saw some public persons were present. There were blood spots in front of H.No.RZ-1560, Main Sagarpur, New Delhi. He also observed that spilt blood was lying on the floor near the main gate. He was informed that the injured had been shifted

to the DDU Hospital.

3. The injured was declared as brought dead at the hospital. Subsequently, efforts were made to trace out eye witnesses.

4. The petitioner and other co-accused had absconded.

5. The statement of the complainant was recorded under Section 161 CrPC. She, *inter alia*, alleged that she had received a call from her husband (the deceased) and he informed her that one Joga Sansi and his family members were beating him and requested her to come at the spot promptly. She stated that she rushed out took an e-rickshaw to get to the spot. On reaching the spot she witnessed Joga Sansi attacking her husband with a scissors. She stated that he had been struck down on the ground and Joga Sansi along with other persons including the petitioner were beating him. She stated that she kept screaming but nobody came to her/her husband's assistance. She also stated that her husband was dragged inside the house and the accused had shut the door. In addition, she stated that Joga Sansi's mother and his wife (Sangeeta) had come out and had tried to clear the blood by throwing water and mud on it.

6. Her statement was recorded under Section 164 CrPC, which was similar to her statement under section 161 Cr.P.C.

7. The charges have not been framed as yet. The said incident took place on 13.07.2019. However, the petitioner was apprehended on 27.07.2019 near Ajmer, Rajasthan along with some of his relatives.

8. Considering the above, this Court does not consider it apposite to release the petitioner on bail at this stage. This Court has by a separate order

granted bail to Joga Sansi's wife (Sangeeta) considering that her involvement cannot be equated that of the petitioner. This Court accepts the contention that if the petitioner is released on interim bail there would be serious apprehension regarding him attempting to influence the witnesses. Considering the past conduct of the petitioner, there is also a possibility that he would attempt to evade the process of the law.

9. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

JUNE 03, 2020
MK