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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 4th December, 2020

+ **BAIL APPLN. 2051/2020 & CRL.M.A. 10477/2020**

RANI SINGH (IN JUDICIAL CUSTODY) Applicant

Through: Mr. Ajay Verma, Advocate.
(M: 9811098069)

versus

STATE OF NCT DELHI Respondent

Through: Mr. Raghuvinder Verma, APP.
Mr. Sumit Choudhary, Panel
Advocate, DHCLSC for Complainant
(M: 9999318211)

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done by video conferencing.
2. This matter has been listed in the typed supplementary list.
3. The present bail application has been filed by the Applicant - Rani Singh who has been in custody since 17th January, 2019. The Petitioner is accused in FIR No.66/19 registered under Sections 302/120B and 34 IPC.
4. The background of this case is that the Applicant was married to the Complainant - Mr. Surya Pratap Singh. They had a son named Yuwan. The allegation against the Petitioner, as per the status report and the charge sheet which has come on record, is that she developed an illicit relationship with one Mr. Narender Kumar Saini who was working in the same school where she was teaching. The child was living with the Applicant and Mr. Narender Kumar Saini.
5. On 12th January, 2019, the police was informed of the death of Yuwan. Investigation revealed that the child had become seriously ill on 10th

January, 2019. The postmortem report showed that the child had suffered serious and brutal injuries on his body. The charge sheet, in fact, alleges that the death of the child was painful and he was the victim of cruelty and even brutality cannot be ruled out.

6. Ld. counsel for the Petitioner submits that the Applicant, being the mother of the child, was not present at the time of the incident. Though the relationship with Mr. Narender Kumar Saini is not disputed, the case of the Applicant is that her illicit relationship with Mr. Narender Kumar Saini ought not to be considered relevant insofar as the present bail application is concerned. It is further submitted that since the mother i.e., the Applicant was not present at the time of the incident, it cannot be inferred from the circumstances alone that she had conspired in the crime with Mr. Narender Kumar Saini.

7. On the other hand, Mr. Sumit Choudhary, Id. counsel for the Complainant i.e., the father of the child submits that the child was always living with the mother and Mr. Narender Kumar Saini and he was not even informed in time about the injuries which the child had suffered. According to the Complainant, the Applicant does not have any permanent residence in Delhi and is only living in a rented accommodation. Therefore, she poses a huge flight risk. Moreover, none of the public witnesses have been examined. Hence, bail ought not to be granted.

8. Mr. Raghuvinder Verma, Id. APP also relies upon the status report and submits that the statement of Mr. Narender Kumar Saini, which was recorded immediately upon his arrest, shows that he and the Applicant had conspired to eliminate the child in view of the fact that he was becoming a hindrance in their relationship.

9. Heard counsels for the parties and perused the translated copy of the charge sheet, the status report, the nominal roll as also the petition and the objections by the Complainant. The admitted facts are that a five year old child has died in a gruesome manner as is clear from the injuries which the child had suffered. The charge sheet which has been placed on record shows that the post-mortem report reveals that the child had suffered from cerebral injuries. He also appears to have been inflicted with slaps/punches and thrown on a hard surface like the ground or walls of the house. The child had multiple injuries on different parts of his body.

10. Admittedly, the Applicant and Mr. Narender Kumar Saini had custody of the child. The circumstances do show that the child was brutally injured and passed away within two days after he was taken to the hospital. The complicit nature of the mother, if any, cannot be ruled out at this stage. Even if the mother was not present at the time the child was injured, the mother also holds a fiduciary responsibility, especially when leaving her five-year-old child with a third person. The Applicant, being the mother of the child and having separated the child from the father also had a higher level of duty to take care of the child. Moreover, the case is at the initial stage. The Applicant may have the propensity to influence witnesses who are yet to be examined, if released on bail. The co-accused is also in custody. Since the evidence is yet to be examined in this case, at this stage and in the background of the above facts, the Court is not inclined to grant bail.

11. At this stage, the Applicant seeks to withdraw the present bail application. Under these circumstances, the bail application is dismissed as withdrawn. All pending applications are also disposed of.

12. It is made clear that none of the observations made in this order shall have any bearing in the trial of the matter.

**PRATHIBA M. SINGH
JUDGE**

DECEMBER 4, 2020

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