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

+ **BAIL APPLN. 326/2023**

MAMTA

..... Petitioner

Through: **Mr. Rajan Chaudhary, Advocate.**

versus

GOVT OF NCT OF DELHI

..... Respondent

Through: **Mr. Raguvender Verma, APP for State with Insp. Manoj Kumar, SHO/Mangolpuri and SI Hawa Singh, PS Mangolpuri.**

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Date of Decision: 27.04.2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present bail application has been filed seeking regular bail in case FIR No. 476/2016, U/s323/324/341/34 of IPC registered at P.SMangolPuri.Chargesheet is stated to have been filed u/s 302/308/452/323/324/341/148/149/174A/120B/34 of IPC.

2. The facts of the case as stated by the learned counsel for the petitioner is that the complainant Narender while driving the car hit Smt. Prakash. On account of this Smt. Prakash suffered injuries. Regarding this an FIR was duly lodged against Narender and other accused persons. Allegedly thereafter the present accused persons went to the house of the complainant

party and gave beatings to them on account of which Gyarsa Ram sustained injuries and after 2-3 days succumbed to the same.

3. Learned counsel for the petitioner submits that all other accused persons have already been admitted to bail and the present petitioner is in custody for the last eight months.

4. Learned APP for the state has filed the supplementary status report and the same is brought on record.

5. Learned APP has not disputed the facts however he submits that the present petitioner remained absconding for around six years and was declared P.O.. Learned APP submits that this is a murder trial and if the petitioner is released on bail she may abscond again and not attend the trial. Learned APP has also submitted that four out of seven witnesses have already been examined.

6. Learned APP submits that substantial evidence is already on record.

7. I have considered the submissions and it has not been disputed that other accused persons have been admitted to bail on merits. The present petitioner remained absconding for six years and thereafter was taken into custody and since is in custody for the last eight months.

8. Learned counsel for the petitioner submits that the petitioner never remained absconding but somehow was not aware of the present proceedings. Taking into account that the petitioner is a lady and is in custody for the last eight months. Furthermore, her name did not appear in the FIR and appeared only in the supplementary statement recorded on the next day.

9. Thus taking into account the facts and circumstances, the petitioner is admitted to bail on furnishing a personal bond of Rs. 20,000/- (Rupees

Twenty Thousand Only) with one surety of the like amount subject to the satisfaction of the trial court and following conditions-

a) That the petitioner shall report to the IO on every Wednesday at 05:00 PM alongwith a male family member at police station.

b) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

c) the petitioner shall provide his/her mobile number(s) to the Police Officer In Charge of the case and keep it operational at all times;

d) in case of change of residential address and/or mobile number, the petitioner shall intimate the same to the Police Officer In Charge of the case / Court concerned by way of an affidavit.

10. Copy of the order be sent to the concerned Jail Superintendent for information and compliance.

DINESH KUMAR SHARMA, J

APRIL 27, 2023/AR