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

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Reserved on: 03.11.2023
Pronounced on: 07.11.2023

+ **BAIL APPLN. 2761/2023**

KAMINI ARYA

..... Petitioner

Through: Mr. Shiv Chopra, Ms. A. Khanna, Mr. S. Arora and Mr. Dhananjay Parth, Advocates.

versus

THE STATE (GOVT. OF NCT) DELHI Respondent

Through: Mr. Manoj Pant, APP for the State.
 Inspector Devendra Singh, PS
 – Mohan Garden.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J.

1. The present application has been filed under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') on behalf of applicant seeking grant of interim bail for a period of 30 days in case FIR bearing no. 323/2021, registered at Police Station Mohan Garden, New Delhi for the offence punishable under Sections of 365/379/394/411/302/120B/201/34 of Indian Penal Code, 1860 ('IPC').

2. Brief fact of the case are that the complainant Dr. Megha



Grover had reported to the police on 03.07.2021 that her mother-in-law Smt. Kavita Grover had gone missing from her house when she and her husband had gone out of town for two days. On 08.07.2021, the present FIR was registered under Section 365 of IPC on the basis of statement of complainant Dr. Megha Grover. During investigation, CCTV cameras installed outside the house of victim were analysed and two persons were seen carrying away heavy bags from the said house. Thereafter, FSL team was sent to the spot and traces of blood were lifted from the house, and the complainant had identified the persons visible in CCTV footage as Anil Arya and Kamini Arya i.e. present applicant. Thereafter, the police had found that the accused persons had left their residence and had switched off their mobile phones and they were eventually apprehended in Bareilly, Uttar Pradesh on 12.07.2021 and brought to Delhi. It was revealed during investigation that on the intervening night of 30.06.2021, the accused persons had cut the body of the victim into several pieces and after stuffing the body parts into bags, had disposed of the same in a drain. At the instance of accused persons, two bags containing body parts of a female were recovered with the help of NDRF team. The knives used in committing murder of the victim and cutting her body into pieces were recovered at the instance of the accused persons. The clothes worn by the accused persons were also recovered which they were wearing at the time of commission of the murder. The gold jewellery of the victim was also recovered at the instance of the present applicant and her husband/co-accused. It was also revealed that the accused persons had committed the murder since the victim



was demanding back the money that she had given as loan to them.

3. Learned counsel for the accused/applicant states that *vide* impugned order dated 08.06.2023, the learned Trial Court has dismissed the application which was filed by the applicant for grant of interim bail for 30 days on the ground that daughter of the applicant is suffering from major panic attacks and is suffering from depression and suicidal tendency, and also suffering from anxiety, disturbed sleep and over thinking. In support thereof, the learned counsel has placed on record certain medical documents on which he relies. It is stated that the present applicant has three daughters and the elder daughter is 12 years old who is suffering from these ailments and the other two daughters are aged about 9 years and 4 years respectively who are all living with their uncle. It is also stated that there is no one to take care of the minor daughters. It is also argued that the applicant is 31 years of age who alongwith her husband is confined to jail for more than two years. It is also stated that duration of *mulakat* of the applicant and her daughters is only thirty minutes twice a month, which is not sufficient. It is argued that since the trial will take some time to conclude, therefore, the applicant be released on interim bail.

4. Learned APP for the State, on the other hand, argues that the present applicant is facing trial in a case of committing murder of an old lady who she and her husband (co-accused) had cut into several pieces and after stuffing them in bags, they had disposed it in a drain. It is stated that weapon of offence, clothes worn by the accused persons and the gold jewellery of the deceased were recovered at the



instance of accused persons. It is also stated that the verification report filed by the State reveals that grounds taken for grant of interim bail are not supported by the doctor's opinion. It is stated that since the material witnesses are yet to be examined, the application for interim bail be rejected.

5. This Court has heard arguments addressed by the learned counsel for applicant as well as learned APP for the State, and has also perused the case file.

6. In the present case, the medical documents which have been placed on record pertain to the year May, 2022. The opinion given by the doctor concerned, who has examined the daughter of the present accused/applicant, does not support the claim of the applicant and rather suggests that there is no suicidal tendency but the child is suffering from anxiety, which is natural as her parents are facing a murder trial and are lodged in Tihar Jail, and the same can be treated by mild medicines.

7. This Court, while considering the case, has given its thoughtful consideration to the facts of the case and notes that present applicant and her husband are accused of a gruesome murder of an old lady who was cut into pieces after being murdered and her body parts were disposed of in a drain. The material witnesses in this case are yet to be examined. The doctor has also opined that any family member of the child can take care of her and it is not essential that the mother needs to take care of the child as the circumstances do not suggest so. The sister of the present accused/applicant is taking care of the daughters of the applicant as is suggested by the status report



filed by the police.

8. At this stage, therefore, this Court is not inclined to grant interim bail to the present applicant since the material witnesses are yet to be examined and the medical record does not suggest any medical urgency as argued by learned counsel for the applicant.

9. However, the learned Trial Court is directed to ensure that the trial in this case is conducted expeditiously, and a report will be sent to this Court regarding status of trial every three months. Endeavour will also be made by the learned Trial Court to conclude the trial preferably within a period of one year.

10. With the abovesaid directions, the present application stands disposed of.

11. Copy of this judgment be forwarded to the Trial Court for necessary information and compliance.

12. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

NOVEMBER 7, 2023/kd