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

% **Date of Decision: 19.12.2023**

+ **BAIL APPLN. 3810/2023**

SHYAM SINGH

..... Petitioner

Through: Mr. Subham Gawande, Ms. Yashmina Sharma and Ms. Diya Maheshwari, Advocates (through VC).

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Manoj Pant, APP for the State with Inspector Dharmendra Kumar, P.S. Mandir Marg and Inspector Ashok Giri, P.S. Jafarpur Kalan.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J. (ORAL)

1. The instant application under Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of applicant seeking grant of regular bail in case FIR bearing no. 14/2018, registered at Police Station Mandir Marg, Delhi for the offences punishable under Sections 302/201/120B/34 of the Indian Penal Code, 1860 ('IPC').

2. Issue notice. Mr. Manoj Pant, learned APP accepts notice on



behalf of State.

3. Brief facts of the case are that on receipt of DD No. 37A on 26.02.2018, S.I. Karan Singh had reached RML Hospital, Delhi where he had found a male patient admitted *vide* MLC No. E-42932/18. On inquiry, the contact details mentioned on the MLC were found incorrect, and on inquiry from the staff of Hospital, the Police had found that a lady had got the patient admitted in the Hospital, who had come in a car bearing no. DL 4C AN 1881. On inquiry, it was revealed that the car was registered in the name of Smt. K.V. Rama, who was eventually traced by the Police. Upon being asked about the incident, she had accepted that the deceased was her husband Sh. D.S. Murthy, with whom she was having strained relations, and he had become unconscious due to which she had got him admitted in the Hospital. She had also provided the mobile number of Sh. D.V.S.S. Siva Sarma i.e., the brother of deceased. The present FIR was registered on 04.03.2018 on the basis of complaint lodged by deceased's brother Sh. D.V.S.S. Siva Sarma. It was stated by the complainant that the relations between his brother and his wife were strained since his brother used to invest in stock market and used to ask his wife to meet certain financial requirements, which used to be a point of contention between them. It was stated that on 28.02.2018, the complainant had received a call from S.I. Karan Singh, who had informed him about the death of his brother. On 01.03.2018, he along with his two sisters and mother had come to Delhi and had found a letter written by K.V. Rama, addressed to complainant, from which he had learnt that she had an



intention to kill her husband i.e. the complainant's brother. In the said letter, the accused had mentioned that she had approached the priest to collect some liquid to be offered to her husband, and upon payment being made by her, the priest had given her a solution which she had offered as *prasad* to her husband, after consuming which, he had become unconscious. Thereafter, she had taken her husband to RML Hospital and admitted him as an unknown person without disclosing his real identity. On the basis of this complaint, the present FIR was registered and investigation was taken up. The co-accused Smt. K.V. Rama was arrested on 04.03.2018 and the present applicant Shyam Singh was arrested on 05.03.2018.

4. Learned counsel for the present accused/applicant argues that the applicant was arrested on 05.03.2018, on the basis of disclosure statement of co-accused and there is no concrete evidence against the applicant to connect him with the alleged offence in question. It is stated that the applicant was released on interim bail as per HPC guidelines during the period of Covid-19 pandemic, and he had surrendered before the learned Trial Court on 08.08.2023, and he had not misused the liberty so granted to him. It is further submitted that PW-9 had refused to identify the applicant before the learned Trial Court, and therefore, in such circumstances, the applicant be enlarged on regular bail.

5. Learned APP for the State, on the other hand, argues that the present case is of circumstantial evidence, and the present applicant had assisted the co-accused KV Rama in committing the offence in question i.e. the murder of deceased, who was the husband of co-accused KV Rama. It is stated that the applicant had given the poisonous substance



to the co-accused, and the bottle of poison was also recovered at the instance of applicant herein. Therefore, it is prayed that present application be rejected.

6. This Court has heard arguments addressed on behalf of both the parties and has perused the material on record.

7. The case of prosecution, in a nutshell, is that on or before 26.02.2018, the present accused/applicant had entered into a conspiracy with co-accused K.V. Rama for killing Sh. D.S. Murthy, i.e. husband of co-accused K.V. Rama and for destruction of evidence. As per prosecution, the present applicant had provided poisonous liquid substance to the co-accused which she had administered to her husband, which had caused his death.

8. A perusal of charge-sheet reveals that the co-accused K.V. Rama had written a letter to the complainant i.e. the brother of deceased in which she had stated that in the first week of January, 2018, she had met the present applicant who was a *Tantrik*, on the recommendation of his driver Sanjay. Thereafter, on 26.02.2018, upon request of co-accused, the present applicant had prepared a medicine at his residence and had asked the co-accused to administer the same to her husband on the pretext of it being *prasad*. The applicant had further told her to mix two tablets of anti-vomiting medicine so that the prepared solution remains in the stomach of her husband. The specimen of the handwriting of the co-accused was also sent to RFSL, Chanakyapuri, for examination, and as per expert opinion, the confessional statement i.e. the letter allegedly written by the co-accused K.V. Rama to the brother of deceased was authored



by her only.

9. As per the case of prosecution, the present applicant had purchased a bottle of insecticide from Neb Sarai and had prepared a mixture containing the said insecticide, *Ganja*, jaggery and milk, and had handed-over the same to the co-accused for the purpose of administering the same as *prasad* to the deceased. The present applicant had also got recovered the bottle of 'Nuvan', the insecticide that he had used in preparation of poisonous liquid, and he had also pointed out the shop from where he had purchased the same. The cause of death of deceased, as opined in the post-mortem report is 'acute poisoning and its complication'.

10. Considering the aforesaid facts and circumstances, gravity of the offence, material collected during investigation, and the fact some material witnesses are yet to be examined in the present case, this Court is not inclined to grant bail to the present accused/ applicant at this stage.

11. Accordingly, the present application stands dismissed.

12. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

13. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J
DECEMBER 19, 2023/zp