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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 200/2024**

DHIRESH NARAYAN @ MUNMUN

.....Petitioner

Through: Mr. Vikas Padora, Mr. Dipanshu
Garg and Mr. Tushar Malik,
Advocates.

versus

STATE

.....Respondent

Through: Mr. Aman Usman, APP for State
along with Inspector Naveen Kumar
P.S. Samaypur Badli.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
22.11.2024

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1. By way of the present application under Section 439 Cr.P.C read with Section 482 Cr.P.C, the applicant seeks regular bail in FIR No. 806/2017, under Sections 302/201 IPC P.S. Samaypur Badli, Delhi.
2. Learned counsel for the applicant submits that the applicant is in custody since 01.01.2018 and that the present case is based on circumstantial evidence. He further submits that on 11.09.2017, a PCR call was received wherein the information of headless body was given. During the course of investigation, initially three accused persons, namely, *Ranjeet @ Babua*, *Gulab Singh* and *Rahul* were arrested on 11.09.2017 and at their instance, the severed head of the body of deceased was also found. He submits that till



date only 24 out of 47 prosecution witnesses cited by the prosecution, have been examined. It is further stated that the applicant was released on HPC Guidelines, a concession which he did not misuse.

3. The bail application is vehemently opposed by learned APP for the State. He contends that as per prosecution case, the applicant has motive to commit the offence as the deceased had illicit relations with the applicant's wife as well as the sister of co-accused *Ranjeet*. He submits that as per prosecution case, initially, the accused persons had assembled at one place whereafter they had taken the deceased to a secluded place where the offence was committed. The applicant's location at the spot is verified from the CDR. Besides, the blood stain marks of applicant's shirt have matched with that of the deceased as per the DNA Analysis Report. It is further submitted that mobile phone of the deceased was also recovered at the instance of the present applicant.

4. At this stage, learned counsel for the applicant has drawn the attention of the Court to the disclosure statements of the co-accused persons wherein in each of the disclosure statements, it has been stated that the said accused could recover the mobile phone of the deceased. He submits that even the circumstantial evidence in the form of blood stains on the shirt is insignificant inasmuch as the applicant's shirt was recovered not at his instance but at the instance of co-accused Gulab. On the aspect of CDR location, he submits that the applicant is a resident of the same place and hence, his CDR location was found to be at the spot.

5. I have heard learned counsel for the parties.

6. The present case is based on circumstantial evidence. The severed head of the deceased was recovered at the instance of the co-accused. So far



as the present applicant is concerned, though during the course of arguments, reference was made to the disclosure statements of the co-accused persons, however, besides the same, the only evidence is the blood stained shirt and the mobile phone.

7. Keeping in the view the submissions made by learned counsel for the applicant as to how the same was recovered, without commenting on the merits of the case and considering the fact that only 24 witnesses out of 47 have been examined, it is directed that the applicant be released on regular bail subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned Court/Duty J.M. and subject to the following further conditions :-

- i) The applicant shall not leave the NCR without prior permission of the concerned Court.
- ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.
- iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
- iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
- v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.

8. The bail application is disposed of in the above terms.



9. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.
10. Copy of the order be uploaded on the website forthwith.
11. Needless to state that this Court has not expressed any opinion on the merits of the case and have made the observations only with regard to present bail applicant and nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

MANOJ KUMAR OHRI, J

NOVEMBER 22, 2024/ssc