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

+ **BAIL APPLN. 589/2024**

ARJUN THAPA

..... Petitioner

Through: Mr.Akshay B. and Mr.Ankur Sachdeva,
Advocates

versus

STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Laksh Khanna, APP for State with
Insp. Anand Prakash

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

20.03.2024

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1. By way of present application filed under Section 439 Cr.P.C., the petitioner/application seeks regular bail in FIR No. 1011/2016 registered under Sections 302/120B/201 IPC at P.S. Vasant Vihar.
2. Learned counsel for the applicant submits that the applicant has been in custody since 26.11.2016 and that the present case is entirely based on circumstantial evidence. Further, till date only 16 out of 35 witnesses have been examined. He further submits that though the applicant is alleged to be involved in another case being FIR No.1020/2016 registered Sections 302/201/120-B at P.S. Vasant Vihar, New Delhi, his mere involvement in another case would not be a ground to deny him bail and in this regard, he has referred to the decision of the Supreme Court in Prabhakar Tewari v. State of U.P. & Anr. reported as **(2020) 11 SCC 648**. It is further stated that



after the recovery of brick, the alleged weapon of the offence, an opinion was sought from the Department of Forensic Medicine and Toxicology, wherein it has been stated that no blood stain were found on the brick.

3. Learned APP for the State has vehemently opposed the bail application. He submits that in the present case, the applicant is accused of murdering one *Naysha* who was working in the same spa centre as the applicant. He submits that in the same spa centre, another girl namely *Sonam* used to work, who was murdered a day prior and in which regard, FIR No. 1020/2016 came to be registered. He submits that as per the prosecution case, while the deceased in the present case was looking for *Sonam*, she was murdered. He states that during the pendency of the investigation, at the instance of the applicant, the weapon of the offence i.e. the brick was discovered, which was sent to FSL. As per the Serological Examination Report dated 06.04.2017, DNA of the blood found on the brick has matched with the blood profile of the deceased. He further submits that even as per the postmortem, it has been opined that the antemortem injuries on the body of the deceased were possible with the same brick. It is further stated that in the other case relating to the death of *Sonam*, on the applicant's disclosure, the weapon of offence being a chopper has been found, on which palm prints of the applicant have been found. It is further stated that the applicant is not a resident of India and is a Nepali citizen and there is a flight risk.

4. I have heard the learned APP for the State as well as learned counsel for the applicant and have also gone through the material placed on record. It is indeed the merits of the present case which need to be seen in order to decide the present bail application. The Court, however, cannot be oblivious



of the fact that two murders have taken place within a span of two days and in both the cases, the deceased as well as the applicant used to work in the same spa centre. In the present case, applicant's disclosure has led to the discovery of weapon of offence i.e. the brick. As per the serological examination report, the DNA profile generated from the blood stain on the brick has matched with the blood profile of the deceased.

5. Considering the aforesaid as well as the fact that the applicant is involved in another murder case, this Court finds no ground to entertain the present application. Accordingly, the same is dismissed.

MANOJ KUMAR OHRI, J

MARCH 20, 2024

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