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

+ **BAIL APPLN. 866/2024**

VEENU@NIKHIL@BATTERY

.....Petitioner

Through: Mr. Ikrant Sharma, Ms. Veena Bishnoi, Ms. Meenu Sharma, Ms. Priyanka Verma, Ms. Shweta Sharma and Mr. Manu Sehgal, Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Ms. Richa Dhawan, APP for the State with Inspector Suneel Siddhu, PS Mangolpuri, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

12.08.2024

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1. The Bail Application under Section 439 read with Section 482 of CrPC has been filed on behalf of the petitioner, for grant of Regular Bail in FIR No. 557/2017 under Section 302/148/149/34 of IPC, registered at Police Station Mangol Puri.

2. It is submitted that the Bail Application has been dismissed by learned ASJ *vide* Order dated 09.02.2024. The accused had been arrested on 11.04.2017 and is in judicial custody since then. He was released on interim bail in June, 2020 for a period of 45 days and had duly surrendered in the Court, in due compliance of the directions of the authorities, in February 2021. The Bail is sought on the grounds that keeping the accused in the



custody with other hardened co-criminals, would hamper the mental health and effect his behavior. The matter is pending for prosecution evidence since 2019. There are two eye witnesses, namely, Radhe Shyam and Umesh. The part examination-in-chief of Radhe Shyam, was conducted on 11.04.2023, after which he has not been appearing as he was involved in an FIR under Section 304B, which got registered against him, in regard to the death of his daughter-in-law. Examination-in-chief cannot be conducted expeditiously, which has got stagnated.

3. The petitioner has suffered Paralytic Attacks in Lower Limb twice and needs a proper care and treatment so as to avoid any further paralytic attack. Despite suffering from the attack, he had attended the case of the Court, on the stretcher and has never absconded.

4. It is further stated that the father of the petitioner, is a heart patient also and suffered heart attack twice and is on medication for his heart as well as Asthma. The petitioner being the elder son is the sole bread earner, who is taking care of the family. There are no chances of his harming the witnesses or tampering with the evidence. A prayer is sought that he be released on bail and shall abide by any terms, that may be imposed upon him.

5. Learned counsel for the petitioner, has placed reliance on Babu Singh vs. State of U.P., (1978) 5 SCC 579; Dataram Singh vs. State of Uttar Pradesh & Ors., Crl. Appeal No. 227/2018; Nagendra Nath Chakrabarthi vs. King Emperor, AIR 1924, Cal 476; State of Rajasthan vs. Balchand and Arnab Mmanoranjnan Goswami vs. State of Maharashtra, (2021) 2 SCC 427.

6. **Learned APP for the State**, has opposed the Bail Application on the ground that there are two eye witnesses to the murder. Radhe Shyam has



been granted Anticipatory Bail and shall appear as a witness on the date fixed, before the learned Trial Court, i.e. 14.10.2024. The other eye witnesses Umesh, also remains to be examined.

7. The report had also been called from the learned Sessions Judge, who has submitted that there are 27 witnesses in all, out of which 11 formal witnesses and four material witnesses, already stand examined.

8. As explained by the learned APP for the State, the eye witnesses, are now available. An endeavor be made to record the testimony of the public/eye witnesses, within six months, after which the petitioner is at liberty to move the Bail Application afresh, before the learned ASJ, who shall consider the same on merits.

9. With this direction, the Petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 12, 2024/RS