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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1498/2023**

PARVEEN

..... Petitioner

Through: Mr. Yugant Kuhar, Advocate.

versus

STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Laksh Khanna, APP for State.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

14.02.2024

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1. By way of present bail application filed under Section 439 Cr.P.C., the applicant seeks regular bail in FIR No. 130/2021 registered under Sections 302/34 IPC at P.S. Jyoti Nagar.
2. Mr. Kuhar, learned counsel for the applicant submits that the present case is based on circumstantial evidence and last seen witness. He states that the only material witness cited by the prosecution namely *Anju*, the sister of the deceased, has already been examined and cross-examined. He further states that the other witness namely *Manju*, also a sister of the deceased, is not a material witness and who has been cited only to corroborate the version as put forth by *Anju*. He further submits that even as per the testimony of *Anju*, no allegations have been levelled against the applicant except that he was last seen with the deceased on 12.03.2021. It is further submitted that the body of the deceased was recovered on 16.03.2021 and that post-mortem was conducted on 17.03.2021, as per which the time since



death was about 3 days i.e., 2 days after the deceased was allegedly seen in the company of the applicant. He further submits that only one out of the nine witnesses has been examined so far. The remaining are not material witnesses. Lastly, it is submitted that the applicant has been in custody since 06.04.2021 and is not found involved in any other case.

3. Mr. Laksh Khanna, learned APP for the State has vehemently opposed the application. It is stated that as per the CCTV footage of 12.03.2021, the applicant was last seen in the company of the deceased alongwith the co-accused *Devender @ Monu @ Kalta @ Golu*. He however, on instructions, submits that there is no other material witness to be examined and that applicant is not involved in any other case.

4. Considering that the only material witness i.e. *Anju* has already been examined who has only stated that she had last seen the applicant with the deceased on 12.03.2021 alongwith the fact that the post-mortem report states that time since death was about 3 days, it is directed that the applicant be released on regular bail subject to his furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the concerned Trial Court/Link M.M./Jail Superintendent 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 which he will keep operation 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.

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

6. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.

7. Copy of the order be uploaded on the website forthwith.

8. Needless to state that 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.

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MANOJ KUMAR OHRI, J

FEBRUARY 14, 2024

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