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

+ **BAIL APPLN. 1533/2024**

SAGAR SOOD @ BALWA

.....Petitioner

Through: Mr. Sameer Shrivastava, Ms. Yashika
Varshney, Ms. Palak Mathur and Mr.
Sunil Prakash Pandey, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Laksh Khanna, APP for State
with Inspector Naveen Kumar and SI
Sachin PS Samaypur Badli, Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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12.11.2024

1. By way of present bail application, the applicant/petitioner seeks regular bail in FIR No. 665/2019 registered under Section 302/34 IPC at P.S. Samaypur Badli, Delhi.

2. Learned counsel for the applicant states that the applicant is in custody since 10.09.2019. All the material witnesses have been examined and the trial is likely to take some time to conclude.

On merits it is stated that the prosecution has alleged that co-accused *Laxmi* has committed the murder of her husband *Sonu* on account of her extra-marital affair with the present applicant. He states that to support the aforesaid allegation, no material has been placed on record except the disclosure statements. He further states that though the prosecution has cited witness of the last seen against the co-accused, however, no such evidence has been placed on record insofar as the present applicant is concerned. He



submits that the only other material against the present applicant is the statement to the effect that on earlier occasions, the applicant had threatened the deceased and the rope statedly used in the incident was recovered at the instance of the present applicant.

3. The bail application is opposed by learned APP for the State who submits that the incident has occurred with the active connivance of the present applicant and as per the case of the prosecution, the present applicant as well as the co-accused *Laxmi* committed the offence on the intervening night of 08/09.09.2019. He further submits that the applicant was living in the close vicinity of the deceased and as such his presence at the spot is not doubtful. He, however, concedes on instructions to the fact that there is no witness who has stated about having seen the applicant on the night of commission of crime. Insofar as the recovery of rope is concerned, he states that the police officer present in the Court is unsure about the fact whether any opinion has been obtained on the rope. He further states that there is CDR connectivity between the present applicant and the co-accused.

4. Having heard the learned counsel for the parties and perused the record.

5. From the above, it is apparent that the only relevant material placed available on record against the present applicant is the statements of the witnesses to the effect that the applicant having given threats on earlier occasions, CDR connectivity and the recovery of rope. The witness to last seen is in the context of co-accused.

6. Considering the totality of facts and circumstances and the period undergone by the applicant in custody, this Court deems it fit to release the applicant on regular bail subject to him furnishing a personal bond in the



sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned Court/Duty JMFC/concerned Trial Court 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.

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

8. Copy of the order be communicated to the concerned Jail Superintendent for information and necessary compliance.

9. Needless to state that the observations made hereinabove are only for the purpose of disposal of present bail application and which shall not have a bearing on the trial of the case.

MANOJ KUMAR OHRI, J

NOVEMBER 12, 2024/rd