



\$~2

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

+ **BAIL APPLN. 2290/2023**

SANDEEP@DEEPU

.....Petitioner

Through: **Mr. Gyan Chandra Singh, Mr. Aman
Kumar Pathak, Advocates**

versus

STATE OF NCT OF DELHI

.....Respondent

Through: **Mr. Amit Ahlawat, APP for the State
Inspector Pradeep Kr. Singh, P.S.
S.B. Dairy**

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

14.10.2024

%

1. This petition has been filed seeking regular bail in FIR No. 129/2022, registered at Police Station Shahbad Dairy, North District, under Sections 302/396/34 of IPC. The petitioner was arrested on 07th March, 2022.
2. An issue arose regarding the evidentiary value of the confessional statement of CCL, where he had stated about the role of the petitioner in the alleged murder.
3. Pursuant to the previous order, the petitioner placed on record the testimony of the CCL recorded before the Trial Court on 07.10.2024. As per the testimony, it is quite clear that the CCL is hostile to the case of the prosecution. He denies that Sandeep @ Deepu / petitioner, went along with him to Jaipur. CCL states that he alongwith Suraj met the victim Kavya. He states that it was not the petitioner, but Suraj, who took a rented room along



with the CCL.

4. The case of the prosecution was that an information was received in P.S Shahbad Dairy on 07.02.2022, that a female dead body was found with stab injuries in DDA Park near Baghban Apartments, Sector-28, Rohini, Delhi.

5. On 25.02.2022, based on “*secret information*,” CCL Ajay Jatav, was apprehended and he disclosed that, he along with his friends Deepu, Pradyuman, Suraj and Titu, had murdered the girl namely Kavya, in order to loot her money and belongings. Subsequently, the petitioner and Pradyuman were arrested on 07.03.2022.

6. As per the prosecution, the petitioner disclosed that he along with CCL had gone to Jaipur to meet Suraj who was already in Jaipur, where the petitioner met Kavya, befriended her and asked her to accompany him on the pretext of marriage.

7. The trial has since been proceeding ahead.

8. It is not disputed by APP for the State that, the deceased has still not been identified. Moreover, the Trial Court has already commenced and material witnesses have been examined including the CCL, who has now turned hostile, as evident from the testimony noted above.

9. The counsel for petitioner had also pointed out to the testimony of PW-3 (landlord of the Jaipur house) where it is alleged that the accused and the deceased had stayed in Jaipur. PW-3, however, also did not identify the petitioner/accused during his testimony and was hostile to the case of the prosecution.

10. In these facts and circumstances, considering that the trial is proceeding ahead and the material witnesses have been examined and also



considering the nature of the testimonies which have been recorded, the Court does not find it necessary to continue the incarceration of the petitioner.

11. In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the petitioner behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioner.

12. Consequently, the petitioner is directed to be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioner will not leave the country without prior permission of the Court.
- ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- iv. Petitioner shall join investigation as and when called by the IO concerned.
- v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.



- vi. Petitioner will mark presence physically before the concerned I.O. every second and fourth Thursday at 4 p.m., and will be not kept waiting for more than an hour.
 - vii. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.
13. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.
14. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
15. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.
16. Order be uploaded on the website of this Court.

ANISH DAYAL, J

OCTOBER 14, 2024/sp