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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1976/2024**
LOKESH YADAV

.....Petitioner
Through: Mr. Kush Sharma, Ms. Asiya Khan,
Mr. Nishchaya Nigam, Mr. Vagmi
Singh and Mr. Abdul Wahid,
Advocates.

versus
THE STATE OF NCT OF DELHI

.....Respondent
Through: Mr. Amit Ahlawat, APP for State with
IO/Insp. Abhijat, and Insp. Sandeep,
PS: Crime Branch.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
23.09.2024

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1. This petition has been filed seeking regular bail in FIR No. 76/2023 under Sections 302/201/202/212/120-B/34 IPC registered at PS Baba Haridas Nagar. The petitioner is in custody since 17th February, 2022.
2. The case of the prosecution is that information was received on 13th February, 2023 that one person, Sahil Gahlot, had murdered his girlfriend and concealed a dead body somewhere in the *Village Mitraon*. Senior officers were informed and a team of Crime Branch reached the *Village Mitraon* where they traced and apprehended Sahil Gahlot, son of Virender Singh Gahlot.
3. As per the prosecution, Sahil disclosed that he had killed his girlfriend Nikki Yadav on 10th February, 2023 at Nigam Bodh Ghat parking and



concealed her dead inside a refrigerator at Dhaba “*Khao Piyo Dhaba*” situated in a vacant plot in the outskirts of his village.

4. Basis this disclosure, one female dead body was recovered inside the refrigerator at the said Dhaba. Case was registered and investigation was transferred to Crime Branch.

5. As per the prosecution, Sahil Gahlot disclosed that he had solemnized marriage with deceased Nikki Yadav in October 2020, but his family did not accept her as the daughter-in-law and fixed his marriage with another girl of the same caste.

6. Accordingly, his engagement was solemnized on 09th February 2023 and marriage was fixed for 10th February 2023. As per Sahil Gahlot, when deceased Nikki Yadav came to know, she told him not to marry the other girl, as they were already married.

7. He then discussed the problem with co-accused Virender Singh (*father*), Naveen(*cousin*), Ashish (*cousin*) and petitioner Lokesh Yadav (*friend*) and Aman, (*friend*).

8. As per the prosecution, they hatched criminal conspiracy to kill Nikki Yadav and dispose of her body at *Village Mitraon*. Thereafter, he would solemnize his marriage with the other girl.

9. As per the case of prosecution, the petitioner, Sahil Gahlot visited the flat of the deceased at the Uttam Nagar on the intervening night of 9th and 10th February 2023.

10. He took her in a *Hyundai Verna* car GA 03 Y 9993 and reached Kashmere Gate, where some arguments ensued between them over his marriage and then accused Sahil killed Nikki Yadav with the help of a data cable of the mobile phone, strangled her in the Nigam Bodh Ghat parking



area and thereafter, concealed the dead body in the refrigerator.

11. During investigation, CCTV footage was obtained and analysed of Uttam Nagar, Andad Vihar bus terminal and Nigam Bodh Ghat, Kahsmere Gate. As per the CCTV footage, the white colour *Hyundai Verna* car is shown at the Uttam Nagar flat in the parking and then at 08:10 P.M at Anand Vihar Bus Terminal and later, at about 8.58 am, Nigam Bodh Ghat.

12. The car was driven out at 10.03 a.m from Nigam Bodh Ghat. The photographs of the CCTV footage have been disclosed in the status report. Thereafter, the car reached *Radisson Blu Hotel* at Paschim Vihar, where the other co-accused, including the petitioner, met near the *Mapple Gold Banquet Hall*. The CCTV footage of *Radisson Blu Hotel* was not available, since it is stored only for three days.

13. The prosecution essentially relies upon the disclosure of Sahil Gahlot, which has been corroborated by various pieces of evidence, including the CCTV, the recovery of the body as also the CDRs showing the common location of all the accused.

14. As per the CDR reports, the petitioner's location was at Paschim Vihar, at about 10:53:42 a.m. and thereafter at 12:15:22 a.m. at *Village Mitraon*, which is the same as that of Sahil Gahlot. So is the case with the other co-accused as well.

15. The connectivity between Sahil and the petitioner and other co-accused *inter se* their mobile phones has also being placed on record.

16. The counsel for petitioner states that the CDRs cannot be admissible at this stage, as whole case of the prosecution *qua* petitioner is purely based on the disclosure of Sahil Gahlot. Counsel for petitioner further states that no proximity has been proved of the petitioner with Sahil Gahlot prior to 09th



February, 2023.

17. Though he states that he was available at the engagement ceremony on 9th February, 2023, due to having family relations with the father of the accused, Sahil Gahlot.

18. He further states that there is no CCTV footage from Paschim Vihar *Radisson Blu Hotel* area where there is a restriction because of Metro construction, as also there is no CCTV footage from *Mitraon Village* to the *Paschim Vihar* area which has number of CCTV cameras.

19. APP for however reiterates that *Radisson Blu Hotel* CCTV was not available since they retain their footage only for three days.

20. Counsel for petitioner states that as per the Sahil Gahlot second disclosure, the petitioner and other co-accused came to at Paschim Vihar in Nexon car, and the Nexon car has still never been seized.

21. APP for State states that the Nexon car was given by Sahil only, to the co-accused.

22. APP further stated that material witnesses are yet to be examined including the family members of deceased.

23. In this situation considering that material witnesses are yet to be examined, as well looking to the gravity of the offence, possibility of influencing witnesses, the fact that the Sahil's statements are *prima facie* corroborated by the CDR records, and the collective role played by the petitioner herein, in conspiring and disposing off the dead body of Nikki Yadav in the refrigerator at *Mitraon village dhaba*, at this stage, no other co-accused having been granted bail, this Court is not inclined to grant bail to the petitioner. The other co-accused Virender Singh Gahlot had withdrawn their bail petition from this Court (*though without arguments on merit*).



24. Reference is made to observations of the Supreme Court in ***Prasanta Kumar Sarkar v. Ashis Chatterjee***, (2010) 14 SCC 496.

“9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously, and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

(i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;

(ii) nature and gravity of the accusation;

(iii) severity of the punishment in the event of conviction;

(iv) danger of the accused absconding or fleeing, if released on bail;

(v) character, behaviour, means, position and standing of the accused;

(vi) likelihood of the offence being repeated;

(vii) reasonable apprehension of the witnesses being influenced; and

(viii) danger, of course, of justice being thwarted by grant of bail.”

(emphasis added)

25. In view of these circumstances, the bail petition is dismissed.

26. Order be uploaded on the website of this Court.

ANISH DAYAL, J

SEPTEMBER 23, 2024/RK