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

+ BAIL APPLN. 2100/2024 and CRL.M.(BAIL) 1020/2024

TEJASHVARI DEVIPetitioner

Through: Mr. Abhinav Sekhri and Mr. Ragini
Nagpal, Advocates.

versus

STATE GOVT. OF NCT OF DELHIRespondent

Through: Ms. Shubhi Gupta, APP for the State.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

14.08.2024

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By way of the present petition filed under section 439 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioner seeks regular bail in case FIR No.1079/2022 dated 14.11.2022 registered under section 302 of the Indian Penal Code 1860 ('IPC') at P.S.: Subhash Place, Delhi ('subject FIR'). Consequent upon completion of investigation, offences under sections 120-B/34 IPC have been added *vide* chargesheet dated 05.02.2023 filed in the matter.

2. Notice on this petition was issued on 14.06.2024; pursuant to which status report dated 12.08.2024 has been handed-up in court today. The status report is taken on record.
3. Nominal roll dated 01.07.2024 has also been received from the Jail Superintendent, which records, that as of that date, the petitioner has undergone about 01 year and 05 months of custody; and that her prison conduct has been 'satisfactory'.
4. The court has heard Mr. Abhinav Sekhri, learned counsel appearing for the petitioner, as well as Mr. Shubhi Gupta, learned APP appearing on behalf of the State at length.



5. Giving an overview of the matter, Mr. Sekhri submits, that the petitioner has been implicated alongwith other accused persons for the murder of her husband Ranjeet; that the date of incident is stated to be 13.11.2022; and that postmortem report dated 19.11.2022 ('PMR') records the cause of death as cranio-cerebral injury caused by blunt force, with the injuries being sufficient to cause death in the ordinary course of nature.
6. It is further submitted that, as per the record, the Investigating Officer ('I.O.') is alleged to have recovered a wooden stick and a baseball bat; and the subsequent opinion obtained from the forensic expert says that the injuries mentioned in the MLC and in the PMR could have been inflicted by the wooden stick and the baseball bat recovered.
7. Mr. Sekhri argues, that the prosecution case is spun around a meeting between the petitioner and her landlord Jitesh (who runs a shop in the neighbourhood) along with other accused persons *at 04:45 pm on 13.11.2022*. It is pointed-out that the chargesheet filed in the matter narrates that at that meeting, the petitioner, her minor son 'M', her landlord Jitesh and other co-accused persons expressed that they were all upset with the conduct of the deceased, inasmuch as he used to beat the petitioner (*i.e.* his wife) while being drunk and would also misbehave with Jitesh; and that therefore all of them were fed-up with him.
8. It is submitted that the chargesheet further records that though the deceased had been residing on rent on the 4th floor of a house owned by Jitesh for about the last 10 years, by reason of the frequent quarrels



that her husband used to have with her, the petitioner alongwith her children had moved to the house of her adoptive brother Umesh in a nearby lane in the same locality.

9. Mr. Sekhri submits, that the chargesheet also narrates that at the 04:45 p.m. meeting, when the petitioner told co-accused Nitin that she was fed-up with her husband's behaviour, Jitesh told them that they should arrange a *danda* and that they would 'finish-off' the petitioner's husband. It is submitted, that according to the prosecution, the entire conspiracy to kill the petitioner's husband was allegedly hatched, given shape and planned at the said meeting; and was executed *within the next couple of hours*.
10. Counsel points-out that curiously however, the FIR further narrates that in the process of killing the petitioner's husband, the room in which the deceased used to live and where he was allegedly murdered, had been ransacked and an iron almirah was also found broken. Counsel submits, that the prosecution story is therefore quite unbelievable, since there is no reason why the petitioner would ransack and break the almirah of the house where she used to live with her husband until recently.
11. Mr. Sekhri submits, that the prosecution is also attempting to project some contemporaneous cellphone calls made between the petitioner and her son as incriminating circumstances, based on certain CDRs obtained by the I.O., whereas there is no reason to suspect a mother speaking with her son on phone.
12. Counsel submits that for an incident that happened on 13.11.2022, the petitioner was arrested on 20.01.2023 and was remanded to judicial



custody straightaway; and that she has been in judicial custody ever-since. He submits that investigation in the matter was complete on 05.02.2023, whereupon chargesheet was also filed.

13. Mr. Sekhri points-out that in the meantime, co-accused Jitesh has been admitted to regular bail by a Co-ordinate Bench of this court *vide* order dated 23.04.2024 passed in BAIL APPL. No. 3438/2023 titled ***Jitesh Gupta vs. State (Govt of NCT of Delhi)***; and co-accused Nitin had also been granted regular bail by the learned Additional Sessions Judge, Rohini District Courts, Delhi *vide* order dated 07.05.2024 made in SC No. 198/23 titled *State vs. Nitin @ Tane*. Counsel further submits, that the petitioner son's 'M' has in any case been declared a child in conflict with the law ('CCL') and has been released on bail.
14. Mr. Sekhri argues that the petitioner is a 44-year old woman with 04 children, with deep roots in society and no previous criminal involvement; and in the circumstances obtaining in the matter, she deserves to be granted regular bail.
15. On the other hand, opposing the grant of regular bail, Ms. Gupta submits that several incriminating circumstances have been discovered in the course of investigation against the petitioner, which point to her guilt in the murder of her husband.
16. Learned APP points-out, that it has come on record through independent witnesses that the petitioner had been complaining about her husband's conduct and that she was fed-up with his behaviour. Besides, it has also come on record that she had discussed all this with her landlord/co-accused Jitesh at his shop, where another co-accused



Nitin was also present; and that thereupon all co-accused persons entered into the conspiracy to kill the petitioner's husband.

17. Mr. Gupta submits, that it is important to notice that on the fateful day *i.e.* 13.11.2022, the petitioner was constantly speaking with her son, who (latter) was in touch with the other co-accused persons, including Jitesh and Nitin, all of which points to the fact that they were in the throes of executing the conspiracy. Learned APP also draws attention to the tabulated summary of the CCTV footage collected in the course of investigation, to show that the petitioner and her son are seen walking-out of Jitesh's shop.
18. Upon an overall conspectus of the facts and circumstances of the case, the following aspects of the matter weigh with the court at this stage:
 - 18.1. A perusal of the chargesheet shows, that the allegation that the petitioner was involved in the murder of her husband hinges around the fact that the petitioner and her son had met with other co-accused persons at Jitesh's shop on 13.11.2022 at about 04:45 p.m. It is the prosecution story that at that short meeting, the parties not only expressed their rancour against the deceased but also hatched a criminal conspiracy and *immediately put it into action*, so much so that within a couple of hours after that meeting, the petitioner's husband was done to death.
 - 18.2. The record also shows that not only was the petitioner's husband killed *very soon* after the brief meeting referred to above, the house where he used to reside was also ransacked and an iron almirah was broken. This, the prosecution says, was



all part of the conspiracy allegedly hatched between the petitioner and the other co-accused persons, *at the petitioner's behest and instance*. There however appears to be no explanation why, if the intention was to eliminate the petitioner's husband, would the petitioner conspire to ransack the house where she used to reside with her husband, not long ago. If this was part of a cover-up, that would require evidence to be adduced in the course of trial.

18.3. Though the petitioner may have had serious grievances against her husband and may have wanted to get rid of him, the existence of motive alone cannot lead to a ready inference of her guilt relation to the murder of her husband.

19. On an overall view of the matter and considering that two other co-accused persons, namely Jitesh and Nitin, have already been admitted to regular bail; and that the nominal roll shows that the petitioner has already suffered custody of about 01 year and 05 months as of that date; and that her jail conduct has been 'satisfactory' and she has no other criminal involvement, this court is persuaded to admit the petitioner – **Tejashvari Devi w/o late Ranjeet** – to *regular bail* pending trial, subject to the following conditions :

19.1. The petitioner shall furnish a personal bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with 02 local sureties in the like amount to the satisfaction of the learned trial court;

19.2. The petitioner shall furnish to the Investigating Officer, a cellphone number on which the petitioner may be contacted at



any time and shall ensure that the number is kept active and switched-on at all times;

- 19.3. If the petitioner has a passport, she shall surrender the same to the learned trial court and shall not travel out of the country without prior permission of the learned trial court;
- 19.4. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.
- 19.5. In case of any change in his residential address/contact details, the petitioner shall promptly inform the I.O.
20. Nothing in this order shall be construed as an expression of opinion on the merits of the pending trial.
21. A copy of this order be sent to the concerned Jail Superintendent *forthwith*.
22. The bail petition stands disposed-of.
23. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

AUGUST 14, 2024/ak