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

+ **BAIL APPLN. 2443/2024 & CRL.MAs 22560-61/2024**

ARJUN KASHYAP

.....Petitioner

Through: Mr. Bhanu Kaushik, Mr. Faiz Alam,
Mohd. Saud Khan and Mr. Mohd.
Haider, Advocates.

versus

STATE (GOVT. OF NCT DELHI)

.....Respondent

Through: Mr. Laksh Khanna, APP for State
with Inspector Dinesh Rana PS
Dwarka North, New Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

01.08.2024

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1. By way of the present bail application, the petitioner/applicant seeks regular bail in FIR No. 107/2021 registered under Sections 302/120B IPC at Police Station Dwarka North, New Delhi.
2. Learned counsel for the applicant states that the present FIR came to be registered on 04.03.2021 on a PCR call being received of a dead body being discovered. He submits that the prosecution case is based on the allegations that the applicant was having an affair with the wife of the deceased. He further submits that the applicant was apprehended on 06.03.2021 and in the charge-sheet, the investigating agency has alleged that the deceased was last seen in the custody of the applicant at 9:30 PM in the intervening night of 2/3.03.2021. In this regard, prosecution has also examined PW-3 namely *Dinesh Kumar*, brother of the deceased. It is his contention that the testimony of child victim that he overheard the conversation between the applicant and his mother is also unbelievable, as



the reading of the testimony of the child victim would indicate that he is a tutored witness. Lastly, it is contended that all the material witnesses have already been examined and that the applicant is not involved in any other case.

3. The application is opposed by learned APP for the State who submits that as per the testimony of last-seen witness, the deceased was seen in the company of the present applicant about 3/4 hours prior to the incident since, according to the post-mortem report, the time since death was opined to be one and a half days from the date when the post-mortem was conducted. It is further stated that the child witness has stated that he heard the conversation wherein the present applicant was telling the child's mother that, "*MENE USKA KAAM TAMAAM KAR DIYA..*".

4. I have heard learned counsel for the parties and perused the record.

5. The present case is based on circumstantial evidence. The prosecution has cited witness of 'last-seen' and eye witness, and both the said witnesses have been examined. It is further informed that six more witnesses are yet to be examined.

6. Considering that the material against the present applicant is only circumstantial in nature and all the material witnesses have already been examined, this Court deems it fit 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 Jail Superintendent/concerned Court/Duty M.M. 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 electronically for information.
9. Copy of the order be uploaded on the website forthwith.
10. Needless to state that this Court has not expressed any opinion on the merits of the case and have made the observations only with regard to the present bail application and 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.

DASTI.

MANOJ KUMAR OHRI, J

AUGUST 1, 2024/*rd*