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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 2688/2024

VIKAS

.....Petitioner

Through: Ms. Bahuli Sharma, Mr. Ravi Shanker,
Mr. Rajiv Singh, Mr. Divyansh Mishra and
Ms. Amrita, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP for State with
Insp. Sanjay

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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03.09.2024

1. By way of the present application, the petitioner/applicant seeks regular bail in FIR No.556/2021 registered under Section 302 IPC at P.S. Narela Industrial Area, Delhi.
2. Learned counsel for the applicant submits that the applicant is in custody since 04.09.2021 and till date, only 7 out of 31 witnesses have been examined. On merits, it is stated that the FIR came to be registered on the basis of the statement of one *Sunhari Lal Verma*, father of the deceased, who in his initial statement to the police did not name anyone. Learned counsel for the applicant further submits that the applicant is married to the sister of the deceased and moreover there is variance in the motive alleged for commission of the crime. Learned counsel further points out that while the prosecution has recovered the weapon of offence i.e., a hammer, the said recovery is not at the instance of the present applicant. It is further submitted



that the prosecution has relied on a CCTV footage which shows a person wearing a helmet discarding the hammer used in the crime at one spot. As per the prosecution case, it is stated that the weapon of offence was later on picked up by one *Mohd. Shakeel*, who kept it on the wall of the park which was once again removed by another person namely, *Alam* from whom recovery was effected. Learned counsel for the applicant further submits that another material cited against the present applicant is the CDR location of the applicant being in the same area as the spot of recovery at the time of the discarding of the weapon of offence as recorded in the CCTV footage. On this aspect, she submits that the applicant is a resident of nearby area and as such his location at the spot is not improbable. Lastly, it is submitted that the applicant is not involved in any other case.

3. Learned APP for the State has opposed the bail application. He contends that the father of the deceased during his examination-in-chief has identified the applicant to be the person who can be seen in the CCTV footage. He further submits that as per the postmortem report, it has been opined that death was caused due to craniocerebral damage as a result of blunt force/object impact. Further, as per the autopsy, injury Nos.2 and 3 are opined to be possible by the weapon seized. He has also handed over a copy of the status report which is taken on record.

4. At this stage, learned counsel for the applicant has pointed out that in the cross-examination, the father of the deceased when confronted with the CCTV footage, he had admitted that the person shown in the CCTV footage is wearing a helmet.

5. I have heard learned counsel for the applicant as well as learned APP for the State and have also gone through the material placed on record. The



prosecution has mainly relied on the CCTV footage and the CDR location of the applicant. Concededly, in the CCTV footage, the face of the accused is not visible as the person is wearing a helmet. Insofar as CDR location is concerned, it is also not disputed that the applicant is the resident of a nearby area. There is no other material which is brought to the notice of the Court that is cited against the applicant.

6. Keeping in view the aforesaid facts and circumstances and the fact that the applicant is not involved in any other case, it is directed that the applicant be released on regular bail, subject to his furnishing a personal bond in the sum of Rs.25,000/- 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 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.
11. At this stage, this Court also take note of the fact that despite the bail application being listed on two earlier occasions, no status report came to be filed.

MANOJ KUMAR OHRI, J

SEPTEMBER 3, 2024

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