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

+ **BAIL APPLN. 2727/2024**

VARUN THAKUR

.....Petitioner

Through: Mr. Bipin Kumar Jha & Ms. Komal
Jha, Advocates.

versus

STATE (GOVT. OF NCT DELHI)Respondent

Through: Mr. Amit Ahlawat, APP for the State
with SI Pradeep Kumar, PS
Ghazipur/East.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

11.09.2024

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1. This application has been filed seeking regular bail in FIR No.95/2018 PS Ghazipur under Sections 302/201 IPC. The case of the prosecution is that information was received on 26th February, 2018 that a female was lying dead in bus at Ghazipur Depo. The dead body was recovered lying between two seats of Bus No.UP22-AP-0592.
2. Body was later identified through the mobile which was found in the pocket, as that of Anita, wife of Varun Kumar Thakur, the petitioner, resident of Madhubani, Bihar. The ticket of date 25th February, 2018 issued in the name of Varun Thakur for two sleeper seats, was found from the person of the deceased. The father of the deceased later stated, as per the prosecution, that his daughter was married to the petitioner in May 2015.
3. Investigation revealed that they had departed from Madhubani, Bihar



for going to Mumbai and taken a bus from Darbhanga to Delhi. On a suspicion of the petitioner having murdered the wife, he was later arrested on 23rd April, 2018. The charge-sheet was prepared and the trial has since commenced. 17 witnesses out of 23 have been examined.

4. Counsel for the petitioner states that all material witnesses having been examined and the petitioner has been in custody for about 3 years 9 months. He further states that the ticket in question exhibited as Ex.PW-6/A is actually from Jogbani to Bihar, which creates a doubt as to whether the ticket was planted by the police. Testimony of PW-6 is adverted to, the person who had booked the ticket, who stated that he identified the petitioner but could not identify the wife/deceased from the photographs. He stated in his cross-examination that he had produced the entire bundle of ticket to the police officials. However, the same had not been put on record, which would have served to prove that the exhibited ticket was indeed part of the series of tickets booked for that day. Counsel for the petitioner, therefore, states that it is purely circumstantial evidence on basis which the petitioner has been implicated. There is no other evidence except the purported testimony of the person who booked the tickets for a bus, the authenticity of which itself is in doubt.

5. In view of the above, in the opinion of this Court, the petitioner be granted bail, considering that the material witnesses have been examined, there is no previous involvement of the petitioner, the jail conduct has been satisfactory and the petitioner was released on interim bail twice in 2020 for a period of 9 months and during the Covid Pandemic from 11th June, 2021 to 12th April, 2023, and there is nothing on record to suggest that he misused the liberty.



6. Considering 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.

7. 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 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.
- v. 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.

8. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of suspension of



sentence and shall not be construed as an expression on merits of the matter.

9. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

10. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

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

ANISH DAYAL, J

SEPTEMBER 11, 2024/MK