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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 2765/2024

DEVENDER ALIAS MONU

ALIAS KALTA ALIAS GOLU

.....Petitioner

Through: Mr. Ankur, Advocate.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Laksh Khanna, APP for State
with Inspector Anuj Kumar PS Jyoti
Nagar, Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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06.09.2024

1. By way of present bail application, the applicant/petitioner seeks regular bail in FIR No. 0130/2021 registered under Sections 302/34 IPC at Police Station Jyoti Nagar, Delhi.
2. Learned counsel for the applicant submits that the instant case relates to circumstantial evidence based on last seen evidence which has also been captured in the CCTV footage. He states that the prosecution has cited one *Anju*, one of the sister of the deceased who has already been examined and discharged. He further submits that the other sister of the deceased namely *Manju* is not a material witness and she has been cited only to identify the dead body. He submits that even as per the prosecution case, the CCTV footage is of 12.03.2021 and the dead body was recovered on 16.03.2021. The post-mortem was conducted on 17.03.2021 as per which the time of death has been opined to be 3 days prior i.e. 2 days after the deceased was allegedly lastly seen in the company of the present applicant. It is stated by



the learned counsel for the applicant that till date, out of a total of 19 witnesses cited by the prosecution only one witness has been fully examined. He submits that the applicant's case is on parity with the co-accused *Parveen* who has already been released on regular bail vide this Court's order dated 14.02.2024 passed in Bail Appln. 1498/2023.

3. The bail application is resisted by learned APP for State who submits that the applicant has been identified through CCTV footage by the sister of the deceased (*Anju*). He further submits that from the applicant, the knife used in the commission of offence has also been recovered. He contends that there is no parity with the co-accused on above facts and also the fact that the applicant has many prior involvements, details of which have been placed on record along with the status report.

4. At this stage, learned counsel for the applicant submits that though the knife allegedly recovered at the instance of the present applicant was sent to FSL, however, there was no blood detected on the same. Furthermore, there is no opinion of a doctor as to whether the same knife was the weapon of offence. He submits that the applicant is in custody since 07.04.2021 and the trial would take a long time to conclude.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The only material cited against the present applicant is the circumstance of being lastly seen in the company of the deceased by the sister of the deceased. Additionally, the said circumstance is also sought to be proved from the CCTV footage. Apparently, there is a time gap of two days between the circumstance of last-seen and the time of death, as opined in the post-mortem report by the doctor. The other circumstance cited



against the applicant is the alleged recovery of knife, which is stated to be the weapon of offence. However, upon being sent to FSL for analysis, no blood stain was found on it. As stated above, there is also no opinion on the aspect as to whether the injuries could have been caused by the said knife. Though the applicant is stated to be involved in multiple cases, learned counsel for the applicant states that the applicant is either released on bail or acquitted in those cases.

7. Considering the totality of the facts and circumstances, it is directed that the applicant be released on regular bail if not required in custody in any other case 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 Judicial Magistrate First Class, 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.

8. The bail application is disposed of in the above terms.

9. Copy of the order be communicated to the concerned Jail



Superintendent electronically for information.

10. Copy of the order be uploaded on the website forthwith.

11. Needless to state that this Court has not expressed any opinion on the merits of the case and has made the observations only with regard to present bail applicant 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.

MANOJ KUMAR OHRI, J

SEPTEMBER 6, 2024/rd