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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4020/2023**

USHA

..... Petitioner

Through: Mr. Anubhav Agrawal, Advocate.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Ajay Vikram Singh, APP with
Insp. Manmeet Singh, PS: Khyala.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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16.04.2024

CRL.M.A. 11401/2024

An application under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for early hearing of BAIL APPLN. 4020/2023.

Learned APP for the State submits that he has no objection in case, the application for bail is taken up for consideration.

Allowed.

BAIL APPLN. 4020/2023 is accordingly taken up for hearing.

BAIL APPLN. 4020/2023

1. An application under Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of regular bail in FIR No. 7/2021, under Sections 302/34 IPC, registered at P.S.: Khyala. Chargesheet is stated to have been filed under Sections 302/147/148/149/34 IPC.

2. In brief, as per the case of prosecution, on 03.01.2021 at about 01:30

BAIL APPLN. 4020/2023

Page 1 of 3



AM, he received a call from Nitin, friend of his younger brother Satender @ Bhola (deceased) that his brother has been brutally beaten by Vicky and his associates in RGA flats. On reaching the spot, he shifted his brother Satender @ Bhola (deceased) to GGSG Hospital, wherein he was declared brought dead. He further alleged that Nitin had informed him that his brother Satender @ Bhola (deceased) along with his friend Pardeep and Nitin had went to house of Vicky @ Himanshu at Raghubir Nagar to get their money back. However, a scuffle took place wherein Vicky @ Himanshu and his associates brutally attacked Satender @ Bhola (deceased) with Baseball bat, bricks etc., resulting in death of Satender @ Bhola (deceased).

3. Learned counsel for the petitioner submits that the petitioner had come out of her house on hearing the altercation, wherein Satender @ Bhola (deceased) along with his friends were assaulting her son and daughter-in-law and the same stands captured in the CCTV footage. He further submits that petitioner had no role in incident.

Reliance is placed upon order dated 04.03.2024 passed by a Co-ordinate Bench of this Court in BAIL APPLN.21/2021 titled as '**Rajbir Singh Chauhan vs. State (NCT of Delhi)**' and order dated 25.01.2024 in Special Leave to Appeal (Crl.) No(s). 12816/2023 titled as '**Ramnivash vs. The State of Rajasthan & Anr.**'

4. On the other hand, application is vehemently opposed by learned APP for the State. He submits that entire incident is captured in CCTV and the petitioner was actively involved in assault, as she instigated the co-accused to kill Satender @ Bhola (deceased) and aided them with bricks. He further submits that petitioner is a bad character of the area and is involved in 11 other cases relating to Excise and NDPS Act.



5. Considering the heinous nature of offence, role played by the petitioner and evidence on record, no grounds for bail are made out.

Application is accordingly dismissed. Pending applications, if any, also stand disposed of.

Next date of hearing, i.e. 15.05.2024, stands cancelled.

ANOOP KUMAR MENDIRATTA, J.

APRIL 16, 2024/R