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

+ **BAIL APPLN. 2864/2024**

SOHAN CHAURASIYA

.....Petitioner

Through: Mr. J.K. Singh, Mr. Kamla Prasad,
Ms. Meenu Singh and Mr. Siddharth
Singh, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Laksh Khanna, APP for State
with Inspector Rajbir Singh and SI
Dharamveer, PS Chhawla.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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18.10.2024

1. By way of present bail application, the applicant/petitioner seeks regular bail in FIR No. 04/2021 registered under Section 302 IPC at Police Station Chhawla, Delhi.
2. Learned counsel for the applicant submits that in the present case, the prosecution has relied upon circumstantial evidence in the form of seizure of rope, knife as well as the CDR location. He submits that the material witnesses on the aspect of 'last seen evidence' being the minor son and roommate, have already been examined, and they have not supported the case of the prosecution. It is further stated that on an earlier occasion, the applicant had approached this Court and considering that his earlier application before the Trial Court came to be dismissed on 18.05.2021, he was given liberty to approach the learned Trial Court afresh. He submits that



the applicant's subsequent bail application preferred before the learned Trial Court came to be dismissed on 01.06.2024. He submits that since the passing of aforesaid order, two more witnesses have been examined and 25 witnesses are still remaining to be examined, who are formal in nature.

3. The bail is opposed by the learned APP for the State, who submits that in the present case, the applicant is accused for murdering his own wife. He submits that the incident was committed on 03.01.2021 and the body of the deceased was recovered on 04.01.2021 from a field near the wall, in front of Jeevan Asha Anaathaalaya on Chhawla-Tajpur Road. The body was identified subsequently on 11.01.2021 by the minor son and the roommate. Though the son and roommate, the witnesses to the last seen, have not supported the prosecution case, there is ample material in the form of recovery of the rope and knife used in the commission of the offence. It is stated that time since death observed in the post-mortem report dated 13.01.2021, also states that the incident had occurred 9-10 days prior. The aforesaid material was also put to the concerned doctor, who has opined positively on the use of both the rope and knife. The injuries are also stated to be ante-mortem in nature.

4. As noted above, the prosecution case hinges on circumstantial evidence. The witnesses to the last seen have already turned hostile. The prosecution has cited a total 35 witnesses, out of which 10 have been examined till date and the remaining witnesses are formal in nature. Insofar as the material against the present applicant is concerned, the same is circumstantial in nature and would be tested and evaluated by the Trial Court at the conclusion of the trial.

5. Considering the totality of the facts and circumstances and the period



of custody, it is directed that the applicant be released on regular bail subject to him furnishing a personal bond in the sum of Rs. 15,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/Trial Court/Duty J.M./Link J.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.
6. The bail application is disposed of in the above terms.
 7. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.
 8. Copy of the order be uploaded on the website forthwith.
 9. 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 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.

OCTOBER 18, 2024
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MANOJ KUMAR OHRI, J