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

+ **BAIL APPLN. 2880/2024**

RAVI PRAKASH BARUPAL

.....Petitioner

Through: Mr. Amjad Khan, Mr. Sumit Kumar,
Mr. Amit Khawal, Mohd. Nasir &
Mr. Aditya Kumar, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for State.
S.I. Mukesh Yadav, PS Hari Nagar,
Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

14.08.2024

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CRL.M.A. 24180/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. The present Petition under Section 483 read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the petitioner seeking grant of regular bail in FIR No. 129/2018 registered under Sections 498A/304B/302 of the Indian Penal Code, 1860 at Police Station Hari Nagar, Delhi.
4. It is submitted in the petition that the petitioner has been languishing in jail from 10.03.2018 till date. The statements of material witnesses have already been recorded and only the formal witnesses are left to be examined.
5. It is also submitted that the petitioner has been falsely implicated in



connivance with the Police Officials which can virtually ruin the life of the innocent petitioner for no fault of his.

6. The earlier Regular Bail application filed before the learned Trial Court has been dismissed *vide* Order dated 23.07.2024 without considering the petitioner's long incarceration period along with other several legal and factual grounds.

7. The petitioner has sought the Regular Bail on the ground that the alleged death of the petitioner's wife, who was found hanging by the yellow plastic rope in the room, was reported by the petitioner himself to the PCR and he got the door broken with the help of the Carpenter in the presence of landlady.

8. It is asserted that the petitioner has been suffering from Mental Illness due to sudden demise of his wife which has deeply shocked him. Further, the petitioner has been working in Delhi Police with utmost sincerity and there has never been any complaint against him during his duty tenure.

9. Moreover, the Interim Bail had been granted to the petitioner by the learned Trial Court under the directions of the Appellate Court and the petitioner has never breached the terms and conditions of the aforesaid Interim Bail. The petitioner has also never tampered with the evidence or made an endeavour to flee from the justice.

10. Recently on 75th Independence Day, the Under Trial Review Committee that had been constituted by National Legal Services Authority (NALSA) and Ministry of Home Affairs (MHA) for decongesting the Jail, recommended 16 criteria for the under-trials to be released on regular bail. The petitioner falls under the said criteria since he has adhered to all the conditions of the Interim Bail and has regularly attended the court hearings.



11. It is submitted that only one public witness, who is the landlady, remains to be examined but she, despite being summoned, has failed to appear as she is bed-ridden. Furthermore, the Statement of landlady recorded under Section 161 of the Code of Criminal Procedure, 1973 does not disclose any incriminating facts against the petitioner.

12. It is further submitted that the petitioner undertakes to remain bound by the conditions of the bail that may be imposed upon him by this Court.

13. Learned counsel for the petitioner has placed reliance on the decisions in Siddharam Satlingappa Mhetre vs. State of Maharashtra, (2011) 1 SCC 694, Arnab Manoranjan Goswami vs. State of Maharashtra & Ors., SLP (Criminal) Diary No. 24646/2020, Firoz Khan vs. State of Delhi decided on 29.05.2020 by the Co-ordinate Bench of this Court and Sanjay Chandra vs. Central Bureau of Investigations, (2021) SCC 40 in support of his assertions.

14. Therefore, it is prayed that the regular bail may be granted to the petitioner.

15. **Issue notice.**

16. **Ms. Priyanka Dalal, learned Additional Public Prosecutor appears** on advance notice, on behalf of the State and contests the present petition on the ground that the crime involved in the present case is heinous and the Charge under Section 302 of the Indian Penal Code, 1860 has been framed against the petitioner.

17. She further submits that there were several *ante-mortem* injuries found on the body of the deceased. Moreover, the complainant, who is the father of the deceased, has levelled specific allegations of the dowry demand against the petitioner in the present case. Earlier complaint was also made



but the same got settled between the parties.

18. Submissions heard.

19. Pertinently, the petitioner has been in judicial custody from 10.03.2018 i.e., more five years.

20. The testimony of material witnesses has already been recorded, except the testimony of landlady of the petitioner as she is bed-ridden. However, her Statement recorded under Section 161 of Code of Criminal Procedure, 1973 does not disclose anything incriminating against the petitioner.

21. Moreover, the testimony of the Doctor has also been recorded which opines that the death of the petitioner's wife was suicidal.

22. Also, there are 29 prosecution witnesses out of which the testimony of only 12 witnesses has been recorded till date and the trial is likely to take a long time. Therefore, the incarceration of the petitioner for such a long period, in fact, amounts to prejudging his conviction and the Supreme Court in the case of Siddharam Satlingappa Mhetre (supra) observed that the personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative in the peculiar facts and circumstances of the case; and the bail was granted on account of considerable delay in concluding trial.

23. Also, the presumption of innocence is one of the most important rights and punishment before the conviction is not laid down in the criminal jurisprudence. The right of participation in Civil Society by the under trial petitioner is one of the important right of the petitioner for maintaining his family needs, responsibilities and his own health.

24. Considering the totality of the circumstances as narrated above and also considering that the petitioner has been languishing in jail since 2018



and also he was earlier granted Interim bail and the conditions thereof were not flouted by him in any manner, the present petition is allowed and the petitioner is admitted to regular Bail in FIR No. 129/2018 registered 498A/304B/302 of the Indian Penal Code, 1860 at Police Station Hari Nagar, Delhi, upon his furnishing a personal bond in the sum of Rs. 35,000/- and one surety of the like amount to the satisfaction of the learned Trial Court, and further subject to the following conditions: -

- a) Petitioner shall not leave Delhi/NCR without prior permission of the Court;
- b) Petitioner shall appear before the Court as and when the matter is taken up for hearing;
- c) Petitioner shall provide his mobile number and also the mobile number of their wife/surety to the IO concerned, both of which shall be kept in working condition at all times and they shall not change the mobile numbers without prior intimation to the Investigating Officer concerned;
- d) Petitioner shall inform the IO and the Jail Superintendent the address where he shall be available in Delhi;
- e) Petitioner shall remain 100 meters away from the complainant;
- f) Petitioner shall not leave the country without prior permission of the learned Trial Court and shall surrender their passport, if any, before the learned Trial Court;
- g) Petitioner shall not try to contact, threaten or influence any of the witnesses of this case; and
- h) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.



25. The Registry is further directed to communicate this Order to the learned Trial Court and as well as to the concerned Jail Superintendent.

26. Accordingly, the present petitions are disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 14, 2024
S.Sharma