



2024:DHC:4963



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

Pronounced on: 04.07.2024

+ **BAIL APPLN. 4194/2023**

SANJU RANA

..... Petitioner

Through: Mr. Jatan Singh, Mr. Ravin Rao, Mr. Siddharth Singh, Mr. Tushar Lamba, Ms. Vanshika Adhana and Mr. Ayan Sharma, Advs.

versus

THE STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through: Mr. Raghvinder Varma, APP for State with Insp. Bijay Kumar, PS Bawana, Insp. Anupam Bhushan, Supreme Court Security.
Mr. Prashant Manchanda, Mr. Angad Singh, Mr. Vishal and Ms. Nancy Shah, Advocates for complainant.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

JUDGMENT

VIKAS MAHAJAN, J.

1. The present petition has been filed under Section 439 CrPC seeking grant of regular bail in connection with FIR No.449/2018 under Sections 304B/498A/34 IPC, registered at Police Station Bawana, District North.
2. The FIR in question was registered on the basis of complaint made by the father (Rohtash Singh) of the deceased (Jyoti). In the FIR, the complainant alleged that his daughter Ms. Jyoti (since deceased) was



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married to Mr. Sanju (the Petitioner herein) on 25.06.2018 and during the marriage, the complainant fulfilled all the demands of the in-laws of her daughter as per his capacity. Thereafter the Petitioner demanded Rs. 1 lac, which were given to him by the complainant and subsequently there was a demand of Rs. 10 lacs out of which Rs. 4 lacs were given to him.

3. It was further alleged that for the remaining Rs. 6 lacs, the Petitioner threatened to sell the Baleno car given at the time of marriage. It was also alleged that on the occasion of Bhaiya Dooj, when Ms. Jyoti went to her parental home, she informed that the demand of remaining Rs. 6 lacs be met otherwise her husband, mother-in-law and father-in-law would kill her.

4. It was further alleged that while the complainant was at Vijaywada, undergoing Naturopathy, he received a call from his son in the intervening night of 18-19.11.2018 that he had received a call from the matrimonial home of Ms. Jyoti and was informed that Ms. Jyoti has hanged herself. The complainant further alleged that the in-laws of her daughter killed her as their demand were not fulfilled. On the said statement, the present FIR. No. 449/2018, under Sections 498A/304B/34 IPC was registered at P.S. Bawana on 19.11.2018.

5. Subsequently, on receipt of medical opinion dated 19.06.2019 of the deceased, Section 302 IPC was added. The learned Trial Court *vide* order dated 13.09.2019 framed charge under Section 302 IPC and in the alternative under Sections 304B/498A IPC read with Section 34 IPC.

6. The learned counsel for the petitioner at the outset submits that post-mortem of the body of the deceased was conducted by the Medical Board *vide* PM No.977/2018 dated 20.11.2018 at Maulana Azad Medical College and Lok Nayak Hospital, Delhi. According to the learned counsel, a Board



comprising of three doctors was constituted to conduct the examination. He has invited the attention of the Court to the opinion of the Board, which reads as under:-

"OPINION

Death in this case occurred as a result of Asphyxia consequent upon hanging. Ligature mark is antimortem in nature and fresh prior to death. However, Viscera and tissues for chemical analysis and for histo-pathological examination have been preserved to rule out concomitant intoxication and any other pathology respectively."

7. He further submits that since the aforesaid opinion given by the Board was silent about the nature of death viz., whether suicidal or homicidal, the Investigating Officer sent a request to Maulana Azad Medical College and Lok Nayak Hospital, Delhi seeking subsequent opinion regarding the cause of death of the deceased. In the subsequent opinion report dated 01.02.2019, a Member and Chairperson who were part of the earlier Medical Board answered the queries raised by the Investigating Officer, which reads as under:-

"The post mortem findings of the brain as described in the post mortem report are suggestive of old head injury involving cerebral cortex injury and subsequent healing of this region is known to act as an epileptic foci. However, if the deceased had any episode of seizure prior to her death cannot be opined."

"Hanging is almost always suicidal or accidental. The former being by far the most common. As no other significant external injury is evident on the body of the deceased suggestive of defense wounds, hanging being suicidal is more likely. However, chemical analysis report on any concomitant intoxication is still awaited for a more conclusive opinion."



"Also, conclusion regarding manner of death and definitive ruling out of foul play is a matter of thorough and detailed investigation into the circumstantial evidence by the investigating authorities."

"Other than the ligature mark on the neck, an abrasion of 1cm x 0.3 cm, vertically placed over right chin situated 2.5 cm from midline and 6cm below right angle of mouth was present, the lower end of which was adjoining ligature mark. No other external injury was found on the body of the deceased."

8. He submits that another subsequent opinion was also sought from the Medical Board by the I.O., after receiving the medical analysis of Histopathology examination report and the Board comprising of same three doctors *vide* subsequent opinion no.FM/XII(MLW)/10/OPN/Yr of PM-2008/OPN/37/2009 dated 11.04.2019, gave their opinion which reads as under:-

“OPINION

Correlating with the above mentioned findings leads to the conclusion that:

Death in this case occurred as a result of Asphyxia consequent upon hanging. Ligature mark is ante mortem in nature and fresh prior to death,"

9. He submits that thereafter, the complainant lodged a complaint before the Delhi Commission for Women and on the initiative of the said commission a Medical Board of three doctors of Deen Dayal Upadhyay Hospital was constituted, which re-examined the report and rendered its subsequent opinion dated 06.05.2019. The relevant part of which reads as under:-



“After perusal / examination of produced documents i.e. P.M. Report No. 977/2018 photographs/ CD and histopathology report by board of doctors from DDU Hospital, it has been observed that:

1. There were head injuries as appreciated / observed by the Board of Doctors from MAMC (as mentioned in PM report) i.e. “Scalp”: No effusion of blood was present in the layers of scalp. Skull: Infact, no fractures were present in the skull, Meninges: Pia arachnoid was congested. Old sub-dual haematoma in form of thin membrane that was difficult to distinguish with dura was present at the right parietal region. The layer of patchy sub-dural haematoma was present over left cerebral hemisphere at places. Brain : contusion showing yellowish brown discoloration was present in form of patches over left parietal and temporal lobe, Brain Parenchyma was congested and weighed 1162 grams.

In this context the board is of the opinion that the above mentioned head injuries were observed and mentioned in PM report but could not be interpreted in terms of:

a. Duration of injuries in order to Days/ Weeks/ Months and Years instead of mentioning old injuries on right side of cerebral lobes but same is not mentioned for left side about haematoma and contusion whether it was old or fresh.

b. There is no mentioning on PM report about causative factor/ force/ weapon of offence in respect of head injuries.

c. It is also not mentioned in the PM report that the injuries sustained on the head (both sides of cerebral hemisphere) regarding attribution or solely responsible for cause of death or liable to be ignorable.



In this stage no final opinion can be concluded being a preliminary report and same shall be finalized after receipt of FSL report.”

10. He further submits that yet again, subsequent opinion was sought by the I.O on the directions of the learned Trial Court after submitting the FSL Report and the relevant documents. This time only one Dr. B.N. Mishra, Head of Department Cum Medico Legal Expert, Department of Forensic Medicine, DDU Hospital rendered his opinion dated 19.06.2019, the relevant part of which reads as under:-

“OPINION:

Considering the aforementioned facts, best of my knowledge and experience, I am in the opinion that there is nothing to suggest that the death could not be occurred due to sustained head injuries irrespective of fresh (hours to days) or old (in weeks) in duration as same were sufficient to cause death in ordinary course of nature.”

11. The learned counsel also invites the attention of the Court to the CT Scan report of the deceased dated 23.03.2016 to contend that the deceased had also suffered a Head Trauma before marriage in March 2016 for which her CT Scan was conducted and it was observed that:-

“IMPRESSION: *Thin SDH along right temporo-parietal convexity with small hemorrhage-2 contusion with SAH along sylvian fissure and in left temporo-parietal region.”*

12. He, therefore, contends that the injury referred to in the subsequent opinion dated 19.06.2019 of Dr. B.N. Mishra was of an old injury. He submits that in view of the contradictory medical opinion, the petitioner also took an independent medical opinion from a Professor R.K. Sharma (Retired



Doctor). The said doctor gave his opinion dated 25.09.2019 (Annexure O) and negated the findings of the report dated 19.06.2019 of Dr. B.N. Mishra.

13. He submits that in view of the difference in opinion of different medical boards, the benefit of the same shall enure to the petitioner at the stage of bail.

14. He also drew the attention of the Court to the Polygraph Examination Report dated 23.04.2019 (Annexure T) to contend that the petitioner and his parents gave their consent to the request made by the I.O. for conducting their polygraph test and accordingly, the petitioner and his parents underwent the Test which was conducted at Central Forensic Science Laboratory (CFSL), Block-IV, CGO Complex, New Delhi. He submits that the Polygraph Examination Report opined that the petitioner and his parents were truthful in their answers. The attention of the Court was drawn to the relevant part of the Polygraph Report, in so far as the petitioner is concerned, which reads as under:

“8. Polygraph Assessment:

8.1 In respect of Sanju Rana

The polygraph examination of Sanju Rana was conducted on 15.04.2019. During the polygraph test, he was asked the questions which included the relevant (crime related) issues. The relevant issues & his answers were as follows:

<i>Issues</i>	<i>Answers</i>
(i) <i>Whether he had an altercation with Jyothi on 18.11.2018 evening?</i>	<i>No</i>
(ii) <i>Whether he is involved any way in the death of Jyothi?</i>	<i>No</i>
(iii) <i>Whether he throttled Jyothi to death?</i>	<i>No</i>
(iv) <i>Whether he showed Jyothi's death as a suicide one?</i>	<i>No</i>
(v) <i>Whether he is hiding any information about the death</i>	<i>No</i>



of Jyothi?

Opinion:

On the basis of Polygraph examination and analysis of polygrams, the following opinions have been formulated in respect of Sanju Rana.

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A. The analysis and evaluation of polygrams reveal truthful responses on the issues no. (i) to (iv). According to polygraph examination and analysis of polygrams, Sanju Rana is truthful in his answers on the issues no.(i) to (iv).

B. No meaningful inference could be drawn on the analysis and evaluation of polygrams of Sanju Rana on the issue no.(v) No opinion, therefore, could be furnished in respect of the issue no.(v). ”

15. He submits that the petitioner was arrested on 20.11.2018 and was released on bail *vide* order dated 05.12.2020 after custody of about little more than 02 years. However, on a petition filed by the complainant seeking setting aside of the bail order dated 05.12.2020 passed by the learned Additional Sessions Judge-04, North, Rohini Courts, Delhi, a coordinate bench of this Court *vide* order dated 25.02.2022 passed in CRL.M.C.1916/2021 observed as under:-

“14. Coming now to the impugned order, it is noted that the same was passed ignoring the well settled principles of bail. At the time of passing of the impugned order, learned Judge has failed to appreciate the gravity and seriousness of the offence and the same came to be passed on erroneous and extraneous reasons. Though the trial has not proceeded expeditiously and there are no allegations against respondent No. 2 of tampering with the evidence, however the Trial Court ought not have lost



sight of the enshrined principles of bail including the gravity and seriousness of offence.

15. Keeping in view the aforesaid and the totality of the facts and circumstances of the case, the impugned order is set aside and respondent No. 2 is directed to surrender before the concerned jail authorities forthwith.”

16. Thereafter, the petitioner filed an SLP(Crl) No.2229/2022 against the aforesaid order dated 25.02.2022, but the said SLP was also dismissed granting one week time to the petitioner to surrender. Accordingly, the petitioner surrendered and since then he is in custody. According to the learned counsel, the total custody period of the petitioner is around 04 years and 02 months.

17. He submits that the father and the brother of the deceased have already been examined as PW-3 and PW-5, respectively. The doctors have also been examined as PW-8, PW-9, PW-10, PW-11 and PW-12. Further, the sister of the deceased has left the country after her examination-in-chief was recorded. According to the learned counsel, all the material witnesses have been examined and there is no likelihood of the petitioner influencing the witness as in the event he is enlarged on bail.

18. He further submits that the prosecution has cited as many as 41 witnesses and till date only 13 witnesses have been examined.

19. He contends that directions were given by this Court *vide* order dated 30.01.2020 passed in CRL.REV.P. 82/2020 to the learned Trial Court to complete the trial as expeditiously as possible. Likewise, the Hon'ble Supreme Court while dismissing the SLP of the petitioner directed to complete the trial expeditiously. He submits that despite such directions the



trial is still far from conclusion.

20. It is also contended by the learned counsel that the petitioner has clean antecedents and he is a permanent resident of Delhi, therefore, he is not a flight risk. He thus, urges the Court to enlarge the petitioner on bail.

21. *Per contra*, the learned APP for the State supported by the learned counsel for the complainant has argued on the lines of the Status Report.

22. The learned counsel for the complainant submits that - (i) the arguments advanced by the petitioner are verbatim reiteration of arguments made during the framing of charges which already stands brushed aside by the learned Trial Court; (ii) all the doctors have consistently opined as regard to the serious head injuries in all the reports; (iii) this Court while cancelling the bail of the petitioner considered the gravity and seriousness of the offence and also considered other important factors including dying declarations made by the deceased soon before her death on visit to her parental house and on WhatsApp to her sisters; (iv) any *prima facie* finding recorded by this Court on the basis of evidence on record shall seriously prejudice the case of the prosecution; (v) the petitioner cannot claim parity with other co-accused; and (vi) there is no material change in circumstances except the additional period of incarceration.

23. He has placed reliance on the decision of the Hon'ble Supreme Court in ***Kalyan Chandra Sarkar vs. Rajesh Ranjan @ Pappu Yadav and Anr. (2005) 2 SCC 42***, to contend that ordinarily the issues which have been canvassed earlier would not be permitted to be agitated again in the subsequent bail application.

24. Reliance has also been placed on the decisions of the Hon'ble Supreme Court in ***Prasad Shrikant Purohit vs. State of Maharashtra;***



(2018) 11 SCC 458, to contend that successive bail applications are permissible only under the changed circumstances and without change in circumstances, the second bail application would be deemed to be seeking review of earlier judgment, which is not permissible under the criminal law. He further submits that lapse of time may not be the sole ground for grant of bail.

25. The learned counsel submits that some of the material witnesses are yet to be examined and in the event the petitioner is enlarged on bail, there is a possibility that he may threaten the said witnesses. According to the learned counsel, there is also a possibility of the petitioner fleeing from justice.

26. I have heard the learned counsel for the petitioner, learned APP for the State as well as the learned counsel for the complainant and have perused the record.

27. It is a matter of record that initially the case was registered under Sections 498A/304B/34 IPC and it is only after receipt of subsequent medical opinion dated 19.06.2019 of Dr. B.N. Mishra that Section 302 IPC was added.

28. The bail was granted to the petitioner *vide* order dated 05.12.2020 passed by the learned Additional Sessions Judge-04, North, Rohini Courts, Delhi after the petitioner's custody of around 02 years but thereafter, on a petition filed by the complainant (father of deceased), a coordinate bench of this Court *vide* order dated 25.02.2022 passed an order in CRL.M.C. 1916/2021 setting aside the said order granting bail to the petitioner primarily on the grounds that while passing the said order, the learned Judge failed to appreciate the gravity and seriousness of the offence and same



came to be passed on erroneous and extraneous reasons ignoring the well settled principles of bail.

29. In view of the reasons premised on which the order of the Additional Sessions Judge granting bail was set aside, there does not appear to any impediment in considering the second bail application of the petitioner on the touchstone of well settled principles of bail, all the more for reason that subsequent to the cancellation of his bail, the petitioner has further remained in custody for a period of 02 years and 02 months and during this period the material witnesses and the doctors have been examined.

30. Before proceeding further, at this juncture it would be apt to bear in mind the principles on the basis of which the bail application of a person accused of serious offences is to be considered.

31. Reference in this regard may be made to the decision of the Hon'ble Supreme Court in ***Kalyan Chandra Sarkar vs Rajesh Ranjan @ Pappu Yadav &Anr. (2004) 7 SCC 528***, wherein it was observed as under:-

“The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:

(a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.

(b) Reasonable apprehension of tampering with the witness or



apprehension of threat to the complainant.

(c) Prima facie satisfaction of the court in support of the charge. (See Ram Govind Upadhyay v. Sudarshan Singh [(2002) 3 SCC 598 : 2002 SCC (Cri) 688] and Puran v. Rambilas [(2001) 6 SCC 338 : 2001 SCC (Cri) 1124] .)”

32. Likewise, in ***State of UP v. Amarmani Tripathi (2005) 8 SCC 21***, the following principles were restated by the Hon’ble Court relating to grant or refusal of bail:

“18. It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing, if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail [see Prahlad Singh Bhati v. NCT, Delhi [(2001) 4 SCC 280 : 2001 SCC (Cri) 674] and Gurcharan Singh v. State (Delhi Admn.) [(1978) 1 SCC 118 : 1978 SCC (Cri) 41 : AIR 1978 SC 179]]. While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in Kalyan Chandra Sarkar v. Rajesh Ranjan [(2004) 7 SCC 528 : 2004 SCC (Cri) 1977] : (SCC pp. 535-36, para 11)

“11. The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and



elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are: (a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence. (b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant. (c) Prima facie satisfaction of the court in support of the charge. (See Ram Govind Upadhyay v. Sudarshan Singh [(2002) 3 SCC 598 : 2002 SCC (Cri) 688] and Puran v. Rambilas [(2001) 6 SCC 338 : 2001 SCC (Cri) 1124] .)”

33. In the present case, no doubt the allegations are serious in nature. The learned Trial Court has also framed the charge under Section 302 IPC and in the alternative under Sections 304B/498A IPC read with Section 34 IPC.

34. Whether the petitioner is guilty of the offence under Section 302 IPC or for the offence for which he has been alternatively charged or for any other offence, primarily depends on the question whether it is a case of dowry death, homicide or suicide. This question, of course, has to be decided essentially on the basis of medical evidence and other evidence proved on record during the stage of evidence.

35. However, at this stage, it would not be appropriate to dig deep into the medical or other evidence to express any opinion on the probative or evidentiary value of the same, as any comment in that behalf may prejudice the case either of the prosecution or of the defence.

36. However, for the limited purpose of considering the bail application



of the petitioner the following aspects still cannot be overlooked:

- (i) None of the earlier opinions have categorically opined any fresh head injury suffered by the deceased, rather the earlier opinions opine the cause of death as a result of *Asphyxia consequent upon hanging and no other significant external injury is evident on the body of the deceased suggestive of defense wounds, hanging being suicidal is more likely.*
- (ii) One of the opinion given by the Board of Doctors at Maulana Azad Medical College and Lok Nayak Hospital also records - *Other than the ligature mark on the neck, an abrasion of 1cm x 0.3 cm, vertically placed over right chin situated 2.5 cm from midline and 6cm below right angle of mouth was present, the lower end of which was adjoining ligature mark. No other external injury was found on the body of the deceased.*
- (iii) Even the opinion dated 19.06.2019 of Dr. B.N. Mishra which became the basis for adding Section 302 IPC, is also couched in a negative form as it records - *"I am in the opinion that there is nothing to suggest that the death could not be occurred due to sustained head injuries irrespective of fresh (hours to days) or old (in weeks) in duration as same were sufficient to cause death in ordinary course of nature"*.
- (iv) When the medical board was constituted at the initiative of DCW, first opinion dated 06.05.2019 was given by the Board of three doctors at Deen Dayal Upadhyay Hospital, in which Dr. B.N. Mishra was one of the member, however, the last opinion 19.06.2019 was given only by Dr. B.N. Mishra.



- (v) Undisputedly, the opinion rendered by Dr. B.N. Mishra was only on the basis of the reports and he had no occasion to examine the dead body.

37. *Prima facie*, there is a divergence of opinion in the earlier medical opinions given by the Board of Doctors and last 'one member opinion' dated 19.06.2019 given by Dr. B.N. Mishra. The benefit of the same shall enure to the petitioner at this stage when his bail plea is being considered.

38. Further, it is the case of the prosecution itself in the charge sheet that as the father of the deceased had been insisting that the deceased was murdered by the petitioner and his family, the I.O. moved an application for getting the Polygraph Test of the petitioner and other family members conducted. The sister of the petitioner did not give her consent to undergo the Polygraph test on the ground of her pregnancy, but the petitioner and his parents gave their consent for the said test. Accordingly, the polygraph test was administered to the petitioner and his parents and the report of the said test reveals that the petitioner and his parents were truthful in their answers.

39. Though, the polygraph test results by themselves cannot be admitted as evidence because the subject does not exercise conscious control over the responses during the administration of the test. However, any information or the material that is subsequently discovered with the help of voluntary administered test results can be admitted in accordance with Section 27 of the Evidence Act, 1872.¹ Thus, the results of polygraph test can be admitted only for limited purpose but the conduct of the petitioner and his family members voluntarily giving the consent to undergo the polygraph test assumes some relevance.

¹ *Selvi & Ors. vs. State of Karnataka & Anr*, (2010) 7 SCC 263



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40. In so far as the reliance placed by the petitioner's counsel on an opinion of Dr. R.K. Sharma, privately obtained by the petitioner, the probative value of the same will have to be considered by the learned Trial Court at an appropriate stage. Likewise, another submission of the petitioner that the deceased was under depression as she had been terminated from service by DCW with effect from 08.09.2018 is also a defence, which will be considered by the learned Trial Court after the same is proved on record. Further, it is also for the Trial Court to take an ultimate call whether the WhatsApp messages sent by the deceased prior to her death can be construed as dying declaration as sought to be contended by the learned counsel for the complainant, having regard to the circumstances existing at the time when such messages were sent.

41. The offence under Section 302 IPC is punishable with life imprisonment but for the offence under Section 304B IPC, the minimum punishment prescribed is 07 years which may extend to imprisonment for life. Though, it will be decided by the Trial Court after the conclusion of trial as to whether the petitioner has committed an offence under Section 302 IPC or under Section 304B/498A IPC or any other offence, but this Court cannot be unmindful of the fact that the petitioner has already been incarcerated for a period of 04 years and 04 months approximately as on date and in the circumstances noted above the petitioner cannot be kept in custody for indefinite period to await the outcome of trial, the conclusion of which is nowhere in sight as out of 41 witnesses cited by the prosecution only 13 have been examined till date. Besides that, there is also a presumption of innocence in favour of the petitioner at the pre-conviction stage.

42. In so far as the apprehension expressed by the learned counsel for the



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complainant that in the event the petitioner is enlarged on bail, he may try to influence some of the material witnesses who are yet to be examined, suffice it to say that the petitioner was earlier granted bail and he was out on bail for about 02 years and there is no complaint against him that he had tried to tamper with the evidence or influence the material witnesses. Even the statements of the father and brother of the deceased have already been recorded and the examination-in-chief of the sister of the deceased has also been recorded. In any case, the apprehensions so expressed by the complainant's counsel can be dispelled by imposing appropriate conditions.

43. It is also not in dispute that the petitioner does not have any criminal record. Undisputedly, the petitioner is a resident of Delhi and does not appear to be a flight risk. Incidentally, the petitioner had also surrendered within a period of one week after the order of cancellation of his bail was upheld by the Hon'ble Supreme Court.

44. Considering the aforesaid circumstances in entirety, this Court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is enlarged on bail subject to his furnishing a Personal Bond in the sum of Rs. 50,000/- and one Surety Bond of the like amount to the satisfaction of the Trial Court/CMM/Duty Magistrate, further subject to the following conditions:

- a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- b) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change



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the mobile number without prior intimation to the Investigating Officer concerned.

c) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.

45. The petition stands disposed of.

46. It is clarified that the observations made herein above are only for the limited purpose of deciding the present bail application and the same shall not be construed as an expression of opinion on the merits of the case.

47. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.

48. Order *dasti* under signatures of the Court Master.

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

VIKAS MAHAJAN, J.

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