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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4201/2023**

JAIDASS

..... Petitioner

Through: Mr. Nagendra Kasana, Mr. Amit
Dhankar, Mr. Aditya Sharma and Ms.
Anjana Kasana, Advocates.

versus

STATE

..... Respondent

Through: Mr. Laksh Khanna, APP for State
with SI Sanjeev, P.S. Jaitpur.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

19.02.2024

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1. By way of present bail application filed under Section 439 Cr.P.C., the applicant seeks regular bail in FIR No. 161/2017 registered under Sections 302/365/120-B/34 IPC at P.S. Jaitpur.
2. On merits, it is stated that present case is based on circumstantial evidence wherein during investigation, the applicant's name has been disclosed in the disclosure statement of the co-accused Arjun Singh. It is submitted that the I.O. initially recorded the disclosure statement of Arjun Singh who disclosed about the incident as well as place from where the remains of the deceased were recovered. Subsequent to the disclosure of Arjun Singh, applicant's disclosure was recorded on similar lines and thus, cannot be looked into. He further submits that applicant is in custody since 08.03.2017 and was released on interim bail on multiple times on account of HPC Guidelines, a concession which was never misused by the applicant. Lastly, it is submitted that 24 out of 31 prosecution witnesses have been



examined.

3. Learned APP for the State, on the other hand, has vehemently opposed the bail application. He submits that the prosecution has not placed reliance on the disclosure statements of co-accused leading to discovery and recovery of the remains of the deceased. Applicant's involvement is also established by the CDR connectivity between the applicant and co-accused Arjun Singh. Learned APP states that deceased/Vikash Mishra was involved with Pooja (co-accused) w/o Arjun Singh (co-accused). Subsequently, Arjun Singh wanted to eliminate Vikash Mishra and with the help and aid of present applicant and another co-accused Saurabh Kanaujiya had committed the offence. He further states that Pooja contacted the deceased and thereafter they travelled in Metro from Kashmiri Gate Station to Golf Course Station. It is submitted that metro card of co-accused Pooja was also recovered.

4. I have heard the learned counsels for the parties and perused the material place on record. The body of deceased was discovered after some period. The alleged material collected against the present applicant are the disclosure statement of co-accused and CDR location/connectivity. Considering that the applicant has been in custody since the year 2017 and he was released on interim bail from time to time on HPC Guidelines, which he has not misused and that the present case is based on circumstantial evidence where 24 out of 31 witnesses have been examined, it is directed that the applicant be released on regular bail subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Trial Court/Link M.M./Jail Superintendent 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 which he will keep operation 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.
5. The bail application is disposed of in the above terms.
 6. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.
 7. Copy of the order be uploaded on the website forthwith.
 8. Needless to state that 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

FEBRUARY 19, 2024

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