



\$~7

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

+ **BAIL APPLN. 3058/2024**

MOHIT THROUGH PAIROKAR DHARAM PAL

.....Petitioner

Through: Mr. Praveen Kumar, Mr. Vishvendra Singh, Mr. Gaurav Chahal, Mr. Amit Khatri and Mr. Deepak Joon, Advocates

versus

THE STATE OF NCT OF DELHI THROUGH SHO PS SAGARPUR

.....Respondent

Through: Ms. Richa Dhawan, Ld. APP for the State with Insp. Neeraj Kumar P.S. Sagarpur.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

18.09.2024

%

1. A Bail Application under Section 483 of BNSS has been filed on behalf of the petitioner seeking Regular Bail in FIR No.102/2014 dated 17.03.2014 under Section 302 IPC and Section 25/27/54/59 Arms Act registered at Police Station Sagarpur, Delhi.
2. The case of the prosecution is that the deceased was the fiancé of the petitioner, who had checked into a Hotel room on the night of 17.03.2014 along with the petitioner. Petitioner apparently left the Hotel at around 10:30 P.M as per the CCTV footage. However, the girl was found dead in the morning. On the basis of circumstantial evidence and the last seen theory,



the accused had been arrested on 18.03.2014, since when he is in Judicial Custody. It is submitted that the petitioner has been implicated falsely in this case.

3. As per the Post Mortem Report of the deceased, the time of demise is given as about 12:00 noon on 16.03.2014 while she was seen alive at 09:00 P.M on 16.03.2014. Not much reliance can be placed on the Post Mortem Report. Out of 48 prosecution witnesses, only 23 prosecution witnesses have been recorded till date. However, all the public witnesses stand recorded and only formal witnesses are left to be examined.

4. Moreover, there is a second supplementary Chargesheet which is yet to be filed as has been submitted by the I.O before the learned Trial Court on 05.07.2024. It is submitted that with such long incarceration of the petitioner with no likelihood of trial being concluded in near future and also considering the circumstantial evidence on which the case of the prosecution rests, the petitioner may be admitted to bail.

5. The **Status Report** has been filed on behalf of the State, copy of which has been handed over in the Court and the same is taken on record. It is submitted in the Status Report that the accused had committed the crime in a pre-meditated manner by taking the deceased, his fiancé to Hotel Neelgagan, where he caused the death by asphyxia due to manual strangulation assisted by gagging of mouth by the towel. There is CCTV footage establishing the presence of the accused at the relevant time in the Hotel. The Check-in Register has been examined and the handwriting on the Register has been verified through FSL to be that of the petitioner. Considering the gruesome offence allegedly committed by the petitioner, the Bail is opposed.



6. **Submissions heard.**

7. The case of the prosecution rests on the circumstantial evidence of the petitioner being last seen with the deceased and other corroborative evidence. He is in Judicial Custody since 18.03.2014 i.e. for more than 10 years and out of total 48 prosecution witnesses only 23 witnesses have been examined and the trial is likely to take long. It is also pertinent to observe that the FSL Report in respect of the Mobile Phone of the petitioner is yet awaited in regard to which the prosecution intends to file the second Supplementary Chargesheet. The material witnesses already stands recorded.

8. Considering the prospect of trial taking long to get concluded and also that the petitioner is in Judicial Custody for last more than 10 years, he is admitted to bail on the following conditions:-

- a) The petitioner/accused shall furnish a personal bond of Rs.35,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.
- b) The petitioner/accused shall appear before the Court as and when the matter is taken up for hearing.
- c) The petitioner/accused shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number, without prior intimate to the Investigating Officer concerned.
- d) The petitioner/accused shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.
- e) The petitioner/accused shall not change his residential address



and in case of change of the residential address, the same shall be intimated to this Court as well as to the I.O, by way of affidavit.

9. The copy of this Order be communicated to the concerned Jail Superintendent as well as to the learned Trial Court.
10. The Bail Application is accordingly disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 18, 2024/va