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

+ BAIL APPLN. 4301/2023

AJEET KUMAR

..... Petitioner

Through: Mr.S.P.Pandey, Advocate

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr.Ajay Vikram Singh, APP with
Insp. Sunny Kumar, PS Rajinder
Nagar.

+ BAIL APPLN. 4323/2023,

AKASH KUMAR

..... Petitioner

Through: Mr.S.P.Pandey, Advocate

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr.Ajay Vikram Singh, APP with
Insp. Sunny Kumar, PS Rajinder
Nagar.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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12.02.2024

BAIL APPLN. 4301/2023

BAIL APPLN. 4323/2023

1. Separate bail applications under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') have been preferred on behalf of the petitioners, *Ajeet Kumar* and *Akash Kumar* for grant of regular bail in FIR No. 331/2021 under Sections 302/392/449/452/411/120B/34 IPC registered at PS: Rajinder Nagar, Delhi.

2. In brief, as per the case of the prosecution, DD No.43A and 44A were recorded on 11.12.2021 regarding murder of an old lady at 1/83, Old Rajinder Nagar, Delhi. It was found that deceased *Kusum Singhal* aged



about 79 years, residing alone was having head injuries and a blood soaked brick was recovered at the spot. During investigation, it was found that mobile phone bearing No.7838634397 and another mobile phone Samsung Galaxy alongwith jewellery articles and cash were missing and motive behind killing of deceased appeared to be robbery.

3. It is further the case of the prosecution that the murder was committed by CCL 'S' in conspiracy with the present accused *Ajeet Kumar* and *Akash Kumar* though they had not accompanied the main offender 'S' at the time of commission of offence.

4. Learned counsel for the petitioners submits that a pair of ear-tops allegedly recovered at the instance of *Ajeet Kumar* and ring recovered at the instance of *Akash Kumar* were not identified in TIP proceedings by daughter of the deceased. It is further contended that mobile phone had been purchased by the petitioner *Ajeet Kumar* from CCL 'S', prior to the commission of murder.

5. On the other hand, applications are vehemently opposed by learned APP for the State and it is submitted that the mobile phone which was missing alongwith a pair of ear-tops was recovered at the instance of petitioner *Ajeet Kumar*, while a ring was recovered at instance of petitioner *Akash Kumar*.

6. So far as accused *Ajeet Kumar* is concerned, *prima facie* recovery of stolen mobile phone at his instance lends credence to conspiracy as alleged by the prosecution. However, so far as *Akash Kumar* is concerned, the recovery of ring at his instance could not be linked as the case property, as the same was not identified by daughter of deceased.

7. Considering the totality of the facts and circumstances, accused *Akash*



Kumar (BAIL APPLN. 4323/2023) is admitted to bail on furnishing personal bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount to the satisfaction of the learned trial court and subject to following conditions:

- (i) Petitioner shall provide his mobile number, if any, to the Investigating Officer / SHO concerned at the time of release;
- (ii) Petitioner shall not threaten or influence the witnesses in any manner; and
- (iii) Petitioner shall not leave the NCT of Delhi without the prior permission of the Court.

8. However, bail application of accused *Ajeet Kumar* (BAIL APPLN. 4301/2023) is dismissed.

Applications are accordingly disposed of.

A copy of this order be forwarded to the learned Trial Court for information and be kept in other connected bail application.

ANOOP KUMAR MENDIRATTA, J

FEBRUARY 12, 2024/v