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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3199/2024**
AZAD KHAN

.....Petitioner

Through: Mr. Shah Rukh Khan, Advocate.

versus

STATE THROUGH SHO P S BURARI

.....Respondent

Through: Mr. Laksh Khanna, APP for State
along with SI S. K. Jha P.S. Burari.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **28.11.2024**

1. By way of the present application, the applicant seeks regular bail in FIR No. 872/2021 registered at P.S. Burari, Delhi for the offences punishable under Section 302 IPC.
2. Learned counsel for the applicant submits that the applicant is in judicial custody since 23.10.2021 and all material witnesses have been examined. Learned counsel further submits that circumstance of recovery of knife at the instance of the accused is denied by the testimony of PW1 who stated that the said knife was already at the spot while the applicant was apprehended later
3. Learned APP for the State has opposed the bail application and submits that the applicant is the husband of the deceased. As per the prosecution case and the testimony of parents, the deceased's marriage to



the applicant was solemnized against the wishes of their parents. The applicant and his wife (the deceased) also had matrimonial disputes on account of which the deceased was residing at her parents' house. On the date of the incident, i.e., on 22.10.2021, the place of the incident was the house of the applicant, where the body of the deceased was also found on the intervening night of 22/23.10.2021.

4. The fact remains that the deceased, who is the wife of the applicant, was found dead in the applicant's house where besides the applicant, no one else was present or residing. In regard to this, the burden of proof under Section 106 IEA is on the applicant.

5. Considering the totality of the facts and circumstances of the case, I find no ground to entertain the present application at this stage. The bail application is accordingly dismissed.

6. 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

NOVEMBER 28, 2024/ssc