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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 3257/2024, CRL.M.A. 27113/2024
BIMLAPetitioner

Through: Ms. Dolly Sharma, Adv.

versus

STATE NCT OF DELHIRespondent
Through: Mr. Laksh Khanna, APP for State
with SI Sandeep Kumar, PS S.P.
Badli.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
28.10.2024

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1. By way of the present application, the petitioner/applicant seeks regular bail in FIR No. 0431//2020 registered under Sections 302/201/34 IPC at P.S. Samaipur Badli, Delhi.

2. It is stated that the applicant has been in custody since 12.07.2020 and as per the case of the prosecution, it is alleged that the incident occurred on the intervening night of 07.07.2020 and 08.07.2020. To support its case, the prosecution has relied on the statement of one *Sonu*, who has appeared as PW-7 before the Trial Court. In his testimony, it is stated that while crossing the house of *Anand* (deceased), he saw that *Yogesh* and *Lalit*, the son and son-in-law of the deceased, respectively, were giving beatings to him with a danda. During that time, the present applicant also stood on the chest of the deceased, whereafter he was taken inside the house. The witness is further stated to have informed about the incident to the nephew of the deceased, on which a missing report came to be lodged. It is submitted that the case of the



prosecution is entirely based on circumstantial evidence of the aforesaid witness and neither any weapon of offence nor the body of the deceased was ever recovered. Lastly, it is stated that the material witnesses have been examined and therefore, the applicant be released on bail.

3. On the other hand, learned APP for the State has opposed the bail application while contending that the applicant is the wife of the deceased, while two other co-accused were his son and son-in-law. He further submits that during the investigation, a CCTV footage has also been seized, as per which the applicant alongwith the two co-accused could be seen on a motorcycle carrying a sack. He, however, concedes to the fact that neither any sack nor the body of the deceased was recovered.

4. A perusal of the testimony of the aforesaid witness would show that he was cross examined by the learned APP for the State on the aspect of CCTV footage and the suggestions given were denied.

5. Considering that the entire case of the prosecution hinges on the testimony of circumstantial evidence in the form of testimony of PW-7 *Sonu*, who already stands examined and without commenting any further or evaluating his testimony, which shall be done by the Trial Court at the conclusion of the trial, it is directed that the applicant be released on regular bail subject to her furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned Court/Duty J.M./Link J.M. 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 her mobile number to the



Investigating Officer on which she will remain available 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.

6. The bail application is disposed of in the above terms alongwith miscellaneous application.

7. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.

8. Copy of the order be uploaded on the website forthwith.

9. Needless to state that this Court has not expressed any opinion on the merits of the case and have made the observations only with regard to present bail applicant and 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

OCTOBER 28, 2024

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