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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 3823/2024 & CRL.M.A. 31704/2024, CRL. M.
(BAIL) 1743/2024

RINKU YADAV

.....Petitioner

Through: Mr. Rajat Sharma, Advocate.

versus

STATE OF NCT DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP for State
along with Inspector Sanjeev Kumar
P.S. Punjabi Bagh.

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER
12.12.2024

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1. The present application has been moved for bail in FIR No. 678/2023 registered at P.S. Punjabi Bagh for the offences punishable under Sections 302/201 IPC.
2. Briefly stated the case of the prosecution is that on October 12, 2023, at 2:10 PM, a PCR call was received at Police Station Punjabi Bagh from Shamshan Ghat, Paschim Puri, Delhi, reporting that a 60-year-old male's body had been brought for cremation with a cut on the neck. Inspector Manjeet Singh, along with a police team, arrived at the cremation ground and met the caller, Sanjeev Chauhan. He



informed the police that the petitioner, Rinku Yadav, had brought his father's body (Sutesh Kumar @ Suchet Singh Yadav) for cremation. During preparations, Pandit Kaushal Pandey noticed surgical cuts on the neck and forearm of the deceased, prompting him to alert the police.

3. Upon interrogation, the petitioner confessed to murdering his father using a blade as his father, a habitual drinker, often abused him while intoxicated. He stated that he dragged his father into a room and slit his neck with the blade. To mislead others and make it appear as a suicide, he inflicted cuts on his father's forearm using a knife and blade. The body was sent for post-mortem, and the petitioner was subsequently arrested. The weapon used in the offence, a knife, was recovered based on his disclosure.
4. Learned counsel for the petitioner submits that the petitioner has no criminal antecedents and is the sole bread earner for his mentally retarded young brother and sister. He submits that the deceased father was abusive towards the petitioner and his sister. It has further been submitted that weapons recovered (i) a kitchen knife and (ii) a shaving blade, are found in every house and the same were not in my conscious possession of the accused petitioner. It has been submitted that the post-mortem report does not show that the father of the accused petitioner was killed with weapons recovered. It has further been submitted that there is no clear motive. He further submits that the investigation is complete and trial may take longer time.
5. Learned APP for State has opposed the bail application on the ground that the petitioner brutally committed the murder of his father and



thereafter took the dead body for cremation. He further submits that even in the mobile phone recovered from the petitioner, the search history reveals that he had searched details like “how long does it take for a person to die after the vein of the hand is cut ?” He further submits that the FSL report also confirms the involvement of the petitioner.

6. The grant of bail necessitates the consideration of various factors, which ultimately depend on the specific facts and circumstances of the case before the Court. There is no rigid or universal formula to determine the relevant factors for granting bail. However, key considerations generally include the prima facie involvement of the accused, the nature and gravity of the charge, the severity of potential punishment, and the character, position, and standing of the accused.
7. The law regarding the parameters for granting bail or refusing to do so, particularly in serious offences, is well settled as reiterated in *Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav and Anr.* (2004 (7) SCC 528):

“11. The law regarding the grant or refusal of bail is well settled. The court granting bail should exercise its discretion judiciously and not as a matter of routine. While a detailed examination of evidence is unnecessary at the bail stage, there must be reasons indicated for prima facie concluding why bail is being granted, especially in serious offenses. Any order devoid of such reasons would reflect non-application of mind. Additionally, the court must consider the following factors before granting bail.

(a) The nature of the accusation, the severity of the punishment in case of conviction, and the nature of supporting evidence.



(b) The reasonable apprehension of tampering with witnesses or posing a threat to the complainant.

(c) The court's prima facie satisfaction of the charge."

8. In the present case, the allegations against the petitioner are grave. The petitioner, who is the son of the deceased, is accused of murdering his father by slitting his neck and inflicting injuries on his forearm. The FSL report corroborates the prosecution's case, as bloodstains on the petitioner's shirt match the blood of the deceased. Additionally, the Cyber Forensic Division's report further implicates the petitioner in the commission of the offence.
9. Considering the serious nature of the accusations, the prima facie evidence against the petitioner, and the corroborative forensic findings, this Court is of the view that the parameters for granting bail are not satisfied. The gravity and perversity of the offence weigh against the petitioner.
10. In light of the foregoing, the present bail application is dismissed.

DINESH KUMAR SHARMA, J

DECEMBER 12, 2024/ssc/smg