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

+ **BAIL APPLN. 4158/2024**

GEETA @NAZMA

.....Petitioner

Through: Mr. M.L. Yadav, Mr. Harish Chand,
Ms. Neha and Mr. Anant Chitoria,
Advs.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Amit Ahlawat, APP for the State
with Ms. Babita Ahlawat, Adv.

**CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL**

ORDER
23.12.2024

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1. This petition has been filed seeking regular bail in FIR No. 474/2022 under Sections 302 IPC and Section 27 Arms Act at P.S Govindpuri. Subsequently, charge sheet was filed under Sections 302/201/120-B/34 IPC and Section 27 Arms Act.
2. The case of the prosecution was registered on the statement of the petitioner, stating that, on 6th July 2022, when she was going as a pillion rider along with her husband (*the deceased*) on a motorcycle, he had received a gunshot injury. The deceased was admitted by petitioner/wife in the hospital, her statement was recorded. She stated that when she, along with her husband and son, were coming back to their home from the vegetable market and reached near B Block, Transit Camp, Govindpuri, she heard a cracker blast sound and her husband fell down. Later, her husband succumbed to the gunshot injury.
3. FIR was registered; investigation ensued. Mobile handset of petitioner was checked and found that she had taken a photo of the



numberplate of their motorcycle on 5th July 2022 and then deleted the said photo, found in the 'deleted folder'. This raised a doubt as to why she had taken photo and upon being subjected to interrogation, did not reply. However, later she allegedly admitted having used a contract killer for the murder of her husband, in conspiracy with her husband's first wife, Geeta and her daughter, Komal.

4. She further stated that her real name is Nazma and further disclosed that her husband named her Geeta, after their marriage. The first wife's name is also Geeta. She claimed that deceased was cruel to her and used to beat her and spy on her mobile phone. When the first wife Geeta came to know, she advised her (*petitioner*) that deceased had already ruined her life and he will ruin her (*petitioner's*) life as well. As per prosecution, she further disclosed that they both conspired and contacted her cousin, Akbal Ansari to arrange a sharp shooter for killing her husband. The deal was finally fixed at Rs.30 lakhs.

5. Counsel for petitioner points out that Akbal Ansari has already got bail *vide* judgment of this Court, dated 21st August 2024, in Bail Application No. 1738/2024. It is further contended that aside from the disclosures, on which prosecution relies upon, there is only CDR connectivity between petitioner and the first wife (*Geeta*) and Komal, which has been placed on record, but the same cannot be used to implicate the petitioner.

6. APP for the State however contends that CDR connectivity is with Nayum Ansari as well.

7. Counsel for the petitioner states that CDR connectivity and its implications can be evaluated, at the time of trial. Further there are only official witnesses and one such witness has already been examined. He further states that completion of trial will take some time; petitioner has



been in custody since 8th July 2022; has one minor child and therefore, pleads for bail.

8. In the facts and circumstances, as noted above, the Court is of the opinion that CDRs and disclosure statements are the only material relied upon by the prosecution and this, as per applicable law, may be considered inadmissible. CDRs, as rightly noted by the Court in previous bail order of Akbal Ansari, would be analysed during trial.

9. Considering there is no independent witness, there is no possibility of tampering the evidence, and the petitioner has been in custody for last 2.5 years, has no previous involvements, and is the mother of a minor child, in the opinion of the Court she is entitled to bail.

10. Accordingly, petitioner is granted bail and is directed to be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioner will not leave the country without prior permission of the Court.
- ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- iv. Petitioner shall join investigation as and when called by the IO concerned.
- v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number



without prior intimation to the IO concerned.

- vi. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.

11. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.

12. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

13. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

14. Order be uploaded on the website of this Court.

ANISH DAYAL, J

DECEMBER 23, 2024/sm/kp