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

+ **BAIL APPLN. 622/2025**

**GOVIND KUMAR**

.....Petitioner

Through: Mr. M.C. Yadav, Mr. Harish Chand,  
Mr. Deepak Kumar Ahlawat,  
Mr. Prashant and Ms. Sapna,  
Advocates.

versus

**STATE (NCT OF DELHI)**

.....Respondent

Through: Mr. Mukesh Kumar, APP for State  
with Mr. Jitender Singh, SI, PS-  
Burari.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

% **08.08.2025**

1. The present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023<sup>1</sup> (corresponding to Section 439 of the Code of Criminal Procedure, 1973<sup>2</sup>) seeks regular bail in the proceedings arising from FIR No. 918/2021 dated 8<sup>th</sup> November, 2021, registered under Section 302 of the Indian Penal Code, 1860<sup>3</sup> at P.S. Burari, Delhi. On completion of investigation, chargesheet has been filed under Sections 302, 120B and 34 of IPC *qua* the Applicant.

**Factual matrix**

2. In brief, the case of the prosecution is as follows:

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<sup>1</sup> "BNSS"

<sup>2</sup> "CrPC"



2.1. On 8<sup>th</sup> November, 2021, Constable Bhim Singh (the Complainant) was patrolling the Haza area when, at about 7:00 PM, he noticed a man in a distraught and intoxicated state. Upon inquiry, the man identified himself as Rakesh (one of the co-accused) and disclosed to the Complainant that he had murdered his “mouth-spoken” sister-in-law, Pinky. The Complainant immediately took Rakesh to P.S. Burari and informed the Duty Officer about this disclosure. The Duty Officer then deputed the Complainant, SI Deepak, and Constable Rishi to proceed to the spot along with Rakesh for necessary action.

2.2. When the police team, accompanied by Rakesh, reached the address provided by him, House No. 24, Gali No. 16, A-2 Block, West Sant Nagar, Burari, Delhi, they found the door to the fourth-floor flat open. Upon entering, they saw an elderly man, one Ram Tavankal, sitting on a sofa. In the room on the right-hand side, the Complainant discovered a woman lying unconscious. On examination, she was found dead. Rakesh then identified the deceased as Pinky, the person he claimed to have killed. Thereafter, Rakesh was arrested.

2.3. During interrogation, Rakesh disclosed that he belonged to Uttar Pradesh and had learned to drive cars at a young age. In 2018, he met co-accused Virendra Kumar (husband of the deceased), who was a professor at Delhi University. Over time, they developed a friendship, and Rakesh began working as Virendra’s driver for a monthly salary of INR 18,000. He was also provided a room on the terrace of Virendra’s house, where he lived with his family. It later came to light that the present Applicant, Govind, who was Virendra’s nephew, also resided in a room on the same terrace.

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<sup>3</sup> “IPC”



2.4. Rakesh further stated that Virendra married the deceased, Pinky, on 16<sup>th</sup> February, 2021. After the marriage, Pinky allegedly pressurised Virendra to ask both Rakesh and the Applicant to vacate the house and live elsewhere. This led to frequent quarrels in the household. Rakesh was eventually terminated from his employment, and when he demanded his pending salary of INR 2–2.5 Lakhs, Pinky refused to pay, as she managed the household finances.

2.5. According to Rakesh, his relations with Virendra were cordial before the marriage but soured thereafter. He further alleged that Pinky harboured suspicions about Virendra having an extra-marital affair with Rakesh's wife, Meena.

2.6. Based on the investigation, it is alleged that a criminal conspiracy was hatched by the three accused, Govind (the Applicant), Virendra, and Rakesh, to kill Pinky. The alleged motive was that Rakesh had lost his employment and was owed money; Govind had been compelled to vacate his accommodation and live in the factory where he worked; and Virendra was aggrieved by his wife's conduct, suspected her fidelity, resented her alleged neglect of his parents, and objected to her frequent misbehaviour.

2.7. The Applicant was arrested on 9<sup>th</sup> November, 2021, and has remained in judicial custody since then. Since then, the investigation has concluded, the chargesheet has been filed, and charges under Sections 302, 120B, and 34 of IPC have been framed against the accused. The case is presently at the stage of prosecution evidence, with 8 out of 46 witnesses examined so far, including the deceased's mother.

### **Contentions of the Applicant**

3. In the above background, counsel for the Applicant makes the



following submissions seeking grant of regular bail:

3.1. The Applicant has been falsely implicated in the alleged incident. His name surfaces solely in the disclosure statement of co-accused Rakesh, which is inadmissible in evidence and, by itself, cannot form the basis of his continued incarceration.

3.2. The prosecution case rests entirely on circumstantial evidence. The chain of circumstances is incomplete and does not establish any direct nexus between the Applicant and the alleged offence. No legally admissible evidence exists to link the Applicant to the crime. There is neither legally admissible material linking him to the crime nor any independent witness to corroborate the role attributed to him.

3.3. Even as per the prosecution's own case, the only role imputed to the Applicant is that he allegedly "held the hands" of the deceased while co-accused Rakesh strangled her. This allegation remains uncorroborated. Further, the prosecution has failed to prove any motive. The only basis suggested by the prosecution, that the Applicant was carrying grudge for being rendered homeless, is speculative and insufficient, in itself, to sustain a charge of murder.

3.4. The CCTV footage relied upon by the prosecution is also purely circumstantial. It neither depicts the commission of the offence nor demonstrates the Applicant's participation or motive. Its authenticity and evidentiary value will necessarily be determined at trial.

3.5. At present, the Applicant has been in judicial custody for over 3 years and 8 months. The investigation has concluded, the charge sheet has been filed, and charges have been framed. The trial is currently at the stage of prosecution evidence, with a substantial number of material witnesses



already examined. In these circumstances, continued incarceration serves no useful purpose.

3.6. In BAIL APPLN. 4488/2024, co-accused Virendra, alleged to be a conspirator, has already been granted bail. On the principle of parity, the Applicant, whose alleged role is far less significant, is entitled to the same relief.

3.7. The Applicant is the sole breadwinner of his family and has deep roots in society. He is neither in a position to abscond nor to evade the process of law. With the investigation complete, charges framed, and most material witnesses already examined, there is no reasonable apprehension that the Applicant would tamper with evidence or influence witnesses if enlarged on bail.

#### **Contentions of the State**

4. On the other hand, Mr. Mukesh Kumar, APP for the State, opposes the present application and submits as follows:

4.1. The present case involves the brutal murder of a woman, allegedly committed in furtherance of a criminal conspiracy under Sections 302, 120B, and 34 of IPC. The nature and gravity of the offence weigh strongly against the grant of bail, as the act was not a result of a sudden quarrel but a premeditated crime.

4.2. The prosecution specifically alleges that the Applicant caught hold of the deceased's hands, thereby facilitating co-accused Rakesh in strangulating her to death. This act directly aided the commission of the murder and cannot be characterised as passive participation.

4.3. The implication of the Applicant is not based solely on the disclosure statement of Rakesh. The prosecution relies on other material, including



CCTV footage allegedly placing the Applicant in the company of the co-accused prior to the incident, as well as witness statements forming part of the circumstantial chain. Taken together, these provide sufficient *prima facie* grounds to justify continued detention.

4.4. Further, during investigation, the post-mortem examination of the deceased, opined the cause of death as “asphyxia as a result of manual strangulation”. The manner of death was conclusively certified as homicidal. This medical evidence is consistent with the prosecution’s case that the Applicant restrained the victim while Rakesh strangled her.

4.5. Though the Applicant has been in custody for over three years, the seriousness of the charges far outweighs any reason for enlarging the Applicant on bail. The trial is still underway, with several key witnesses yet to be examined. There is a reasonable apprehension, that if the Applicant is enlarged on bail, he will influence or intimidate the remaining witnesses, thereby undermining the trial.

### **Analysis**

5. The Court has given thoughtful consideration to the rival submissions. The offence alleged is, on its face, grave and heinous. Yet, the determination of bail cannot rest solely on the seriousness of the charge. The law requires a broader evaluation, taking into account the overall legal and factual context specific to the accused. At this stage, the Court must keep in mind several factors relating to the case, such as – whether there is any *prima facie* reasonable ground to believe that the accused has committed the offence, the nature and gravity of the accusation, severity of potential punishment, risk of the accused absconding or fleeing if released on bail, the likelihood of the



offence being repeated, etc.<sup>4</sup>

6. Insofar as the present Applicant is concerned, the prosecution's case rests entirely on circumstantial evidence. There is no eye-witness placing him at the scene at the time of the offence. The principal allegation against him is that he allegedly restrained the deceased by holding her hands while co-accused Rakesh strangled her. This assertion, though specific, appears to be derived substantially from the statement of a co-accused, the evidentiary value of which can only be tested during trial. It is trite that the disclosure statement of a co-accused, in the absence of independent corroboration, is not substantive evidence and cannot, by itself, constitute the sole foundation for conviction or, by extension, an absolute bar to the grant of bail.<sup>5</sup>

7. To support the allegation of criminal conspiracy, the prosecution relies on CCTV footage to infer the Applicant's presence in the vicinity of the scene, as well as on certain witness statements as corroborative material. Reliance is also placed on the post-mortem report, which records the cause of death as "asphyxia as a result of manual strangulation" and certifies the manner of death as homicidal. However, the extent of the Applicant's involvement in the act of strangulation remains a matter for trial, and it would be neither appropriate nor permissible for this Court, at the stage of bail, to undertake a detailed appraisal of such evidence. It is well-established that in bail proceedings the Court is not required to undertake an elaborate evaluation of evidence with the same rigour as in a trial<sup>6</sup>; otherwise, the bail

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<sup>4</sup> *Prasanta Kumar Sarkar v. Ashis Chatterjee & Anr.* (2010) 14 SCC 496.

<sup>5</sup> *Pancho v. State of Haryana*, (2011) 10 SCC 165, See also: *Kashmira Singh v. State of M.P.* (1952) 1 SCC 275 and *Haricharan Kurmi v. State of Bihar* AIR 1964 SC 1184.

<sup>6</sup> See also: *Brijmani Devi v. Pappu Kumar & Anr.*, (2022) 4 SCC 497 and *Mahipal v. Rajesh Kumar @*



hearing would turn into a mini-trial. The relevant consideration at this stage is whether the Applicant's continued detention is necessary for the purposes of the trial or warranted considering the facts of the case. On the material presently before the Court, *prima facie* there appears to be no independent evidence indicating an overt act on the part of the Applicant or a clearly demonstrable role in the planning or execution of the alleged offence.

8. The Applicant has been in custody since 9<sup>th</sup> November, 2021, and has, thus, undergone nearly three years and eight months of incarceration. The investigation stands concluded, the chargesheet has been filed, and while charges have been framed, the trial remains far from completion. It is a settled law, through a consistent line of Supreme Court decisions, that the object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved by bail is to secure the attendance of the accused person at the trial.<sup>7</sup> In these circumstances, and particularly in view of the prolonged period of incarceration, the stage of the trial, the Applicant having clean antecedents and the material witnesses having been examined, the balance tilts in favour of enlarging the Applicant on bail, subject to appropriate safeguards.

9. An additional factor of relevance is the grant of bail to co-accused Virendra, who is alleged to be a conspirator in the incident. On the prosecution's own showing, the role attributed to the present Applicant is not of greater gravity than that of Virendra and, in certain respects, is less direct. While the principle of parity is not to be applied mechanically, it remains a recognised consideration where the nature of allegations, the stage

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*Polia*, 2020 (2) SCC 118.

<sup>7</sup> See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of*



of proceedings, and the surrounding circumstances are comparable. In the absence of distinguishing features warranting differential treatment, consistency in judicial approach favours extending similar relief to the Applicant, subject to safeguards ensuring his presence and compliance during the trial.

10. Therefore, in light of the above discussion, in the opinion of the Court, the continued custody of the Applicant is no longer necessary. The Applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of INR 50,000/- with two sureties of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

- a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;
- b. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- c. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;
- d. The Applicant shall appear before the Trial Court as and when directed;
- e. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- f. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

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*Investigation*, (2022) 10 SCC 51.



g. The Applicant shall report to the concerned PS on first, second and fourth Friday of every month; However, he shall not be kept waiting for more than an hour.

11. In the event of there being any FIR / DD entry / complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

12. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

13. The bail application is allowed in the afore-mentioned terms.

14. Disposed of along with pending application(s), if any.

**SANJEEV NARULA, J**

**AUGUST 8, 2025**

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