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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 680/2025**
CHANDERKESHPetitioner

Through: Mr. M. P. Sinha, Mr. Yatharth Sinha
and Mr. Vikas Kumar, Advs.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Mukesh Kumar, APP for the State
with Mr. Vipul Sharma and Mr.
Karadeep Singh, Advs and with ACP
vijay Singh, Insp. Snajeev Kumar and
Insp. Panka Kumar.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

21.02.2025

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1. Application under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of petitioner for grant of regular bail in FIR No. 682/2019 registered at P.S.: Punjabi Bagh. Chargesheet has been filed under Sections 302/363/376A/376D/120B/34 IPC and Sections 6/17/18 POCSO Act.
2. In brief, as per the case of the prosecution, present FIR was registered on statement of complainant 'A' regarding kidnapping of her daughter aged around 17 years on 05.12.2019. During the course of investigation, a dead body of a girl was recovered from Property No. 140, Avtar Enclave, on the staircase of the basement of Swasthya Medicos, Multan Nagar Red Light, Paschim Vihar. An FIR No. 774/2019 under Section 302 IPC was registered at P.S.: Paschim Vihar in this regard. The body of the deceased was identified by husband of the complainant.
3. It is further the case of prosecution that during investigation, suspects



‘AM’ (CCL) and Chanderkesh (petitioner herein) were apprehended, who disclosed that initially they took the prosecutrix/victim to rented premises situated at SRS-50, Ground floor, Peeragarhi Village, Delhi and committed rape upon her. Thereafter, petitioner took victim to staircase towards basement at H.No.140, Avtar Enclave, Paschim Vihar, Delhi, and again tried to commit rape upon her. However, when victim resisted, she was strangled by the petitioner.

4. Learned counsel for petitioner submits that petitioner is in custody since 07.12.2019 and conclusion of trial is likely to take considerable time, as only 4 witnesses out of 55 have been examined till date. He further submits that as per the FSL report, due to low pixel resolution, petitioner could not be identified in the CCTV footage and only the resemblance of co-accused ‘AM’ was confirmed. He further emphasizes that there is no other connecting evidence to link the petitioner to the present offence.

5. On the other hand, application is vehemently opposed by learned APP for the State. He submits that apart from CCTV footage, strands of hair collected from the spot match with the petitioner, as revealed in forensic examination.

6. I have given considered thought to contentions raised.

As per the investigation, location of mobile phone of petitioner and ‘AM’ (CCL) was found near the scene of crime on 06.12.2019. Further, as per the result of DNA examination, the participation of petitioner in sexual assault is corroborated. The result of DNA examination may be reproduced for reference:



“RESULTS OF DNA EXAMINATION

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5. *The alleles from source of exhibits 'P12' (oral swab of victim), 'S1A' (gauze cloth piece of CCL) & 'S1C' (gauze cloth piece of **Chanderkesh**) are accounted in mixed DNA profile generated from source of exhibits 'P1b' (lower of deceased) & 'P11a' (cotton wool swab-vaginal swab of deceased).*

6. *The alleles from source of exhibits 'P12' (oral swab of victim) & 'S1C' (gauze cloth piece of Chanderkesh) are accounted in mixed DNA profile generated from source of exhibit 'M2' (hairs collected from H.No. 140, Avtar Enclve, Paschim Vihar).*

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9. *The Y STR profile generated from source of exhibit M2' (hairs collected from H.No. 140, Avtar Enclve, Paschim Vihar) is matching with Y STR profile generated from source of exhibit 'S1C' (gauze cloth piece of Chanderkesh).*

10. *The Y STR profile generated from source of exhibit 'S1A' (gauze cloth piece of CCL & 'S1C' (gauze cloth piece of Chanderkesh) is accounted in mixed Y STR profile generated from source of exhibits 'P1b' (lower of deceased) & 'P11a' (cotton wool swab vaginal swab of deceased)."*

7. Considering the heinous nature of offence and the evidence on record, no grounds for bail are made out at this stage.

Application is accordingly dismissed. Pending application, if any, also stands disposed of.

ANOOP KUMAR MENDIRATTA, J.

FEBRUARY 21, 2025

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