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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 691/2025

RAVIN

.....Applicant

Through: Mr. Pardeep Khatri, Mr. Utkarsh Singh Chhikara, Mr. Sahil Bhardwaj, Mr. Divyanshu, Ms. Rimpay Khatri and Mr. Amit Rana, Advs.

versus

STATE GOVT OF NCT OF DELHIRespondent

Through: Mr. Ritesh Kumar Bahri, APP for the State with Ms. Divya Yadav and Mr. Lalit Kumar Luthra, Advs. with Insp. Jasbir Singh, AHTU / Crime Branch. Mr. Shriram Yadav, Mr. Chandrashekhar Yadav, Mr. Sargam Jain and Ms. Varsha Yadav, Advs. for the complainant.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

07.05.2025

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1. The present application is filed seeking regular bail in FIR No. 382/2023 dated 12.04.2023, registered at Police Station Mukherjee Nagar, for offence under Section 365 of the Indian Penal Code, 1860.
2. Briefly stated, the FIR was registered on a complaint given on 20.10.2021 by one Shakuntla Yadav in regard to her missing daughter, namely, Monika Yadav.



3. The initial enquiry did not lead to any concrete information, and the FIR was subsequently registered on 12.04.2023.

4. During the course of investigation, it was revealed that the accused 'Surendra Singh Rana' wanted to marry the victim 'Monika Yadav' and on refusal to the same on the ground that the accused was already married, the accused on 08.09.2021, took the victim to Budhpur, where after a heated argument, the accused murdered the victim and disposed of the victim's body in a drain.

5. It is alleged that in order to mislead the family of the victim as well as the Police, the accused Surendra Singh Rana, with the help of other accused persons, made phone calls to the family members of the victim from different phone numbers.

6. It is alleged that the co-accused persons impersonated themselves as one 'Arvind' and claimed to have married the victim Monika Yadav.

7. The investigation also revealed that one such call was also made by the applicant and two of the mobile numbers which were found to be linked with the calls made to the family members of the victim, were found to be registered in the name of the applicant. The applicant is the brother of the co-accused Surendra Singh Rana's wife.

8. Subsequently, accused – Surendra Singh Rana was arrested, who disclosed that after committing the murder, he had informed the applicant about the incident and had asked him to procure a new phone and sim card using a fake ID. He had also instructed the applicant to contact the family members of the victim impersonating himself as Arvind.

9. In the process, the applicant is also alleged to have taken



help of his friend, namely, Rana

10. The dead body of the victim was also recovered at the instance of the accused – Surendra Singh Rana.

11. The learned counsel for the applicant submits that even if the case of the prosecution is taken at the highest, the applicant was only following the instructions of his brother-in-law, who is married to his sister.

12. He submits that no role can be attributed to the applicant for the active involvement in the commission of the offence.

13. The applicant has already undergone 18 months in custody and the trial is not likely to conclude in near future since even the arguments on charge have not taken place.

14. The learned Additional Public Prosecutor for the State submits that the chargesheet has been filed against the applicant for not only destruction of evidence but also being an accomplice in the murder of the victim.

15. He submits that the evidence collected, thus far, clearly indicates that the applicant was actively involved in misleading the investigation by impersonating as one 'Arvind' and making phone calls to the family members of the victim.

16. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened; etc.

17. The chargesheet has already been filed in the present case after completion of investigation. Chargesheet has been filed



under Sections 365/302/201/106B/19/471/34 of the IPC.

18. Status Report indicates that the allegation against the applicant is that after committing the murder, the accused—Surendra Singh Rana had informed him about the incident and instructed him to procure a new phone and sim card by using fake ID.

19. On instruction of the accused, the applicant is alleged to have impersonated himself as one 'Arvind' and made phone calls to the family members of the victim in order to mislead the investigation.

20. Concededly at this stage, it is not alleged that the applicant had, in any manner, participated in the murder of the victim. It is alleged against the applicant that he misled the family of the victim and hampered the investigation by creating false evidence. He was also aware that the co-accused has committed murder. Punishment for offence under Section 201 of the IPC is imprisonment for a term which may extend to seven years.

21. The applicant is in custody since the last 18 months and no purpose would be served by keeping him in further incarceration. The investigation is complete and the applicant is no longer required for investigation.

22. The object of jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment. However, appropriate conditions ought to be put to allay the apprehension of the applicant tampering with the evidence or evading the trial.

23. In view of the above, the present application is allowed and the applicant is directed to be released on bail, on furnishing a personal bond in the sum of ₹ 10,000/- (Rupees Ten Thousand



Only) with one surety of the like amount to the satisfaction of the concerned Trial Court, on the following terms and conditions: -

- a) The applicant shall provide his mobile number to the concerned IO, which shall be kept in working condition and switched on at all times.
- b) The applicant shall also provide his permanent residential address and in case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned IO as well as to the concerned Court;
- c) The applicant shall not leave the country without permission of the concerned Court during the bail period and surrender his passport, if any, at the time of release before the concerned Court;
- d) The applicant shall not directly/indirectly try to get in touch with any prosecution witnesses or tamper with the evidence.

24. 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.

25. 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.

26. The present bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

MAY 7, 2025/ 'KDK'

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