



\$~1 & 2

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

+ BAIL APPLN. 676/2024

MUSKAN

.....Petitioner

Through: Ms Anu Narula, Adv. (DHCLSC)

versus

THE STATE

.....Respondent

Through: Mr Pardeep Gahlot, APP for State
Inspector Anil Kumar, SI Vivek Tomar, PS-New
Friends Colony, New Delhi

+ BAIL APPLN. 698/2024

TRIZA @ MENU

.....Petitioner

Through: Ms Anu Narula, Adv. (DHCLSC)

versus

THE STATE

.....Respondent

Through: Mr Pardeep Gahlot, APP for State
Inspector Anil Kumar, SI Vivek Tomar, PS-New
Friends Colony, New Delhi

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

29.01.2025

%

1. These are petitions seeking regular bail in the FIR No. 270/2021, under Sections 302/201 IPC, registered at Police Station – New Friends Colony.
2. The petitioner in BAIL APPLN. 676/2024 – Muskan (hereinafter referred as 'Petitioner No.1') and the petitioner in BAIL APPLN. 698/2024 - Triza @ Menu, mother of Muskan (hereinafter as 'Petitioner No.2') have filed these bail applications.
3. The petitioner No.1 is the wife of deceased Naveen and petitioner



No.2 is the mother-in-law of deceased Naveen.

4. On 12.08.2021, petitioner No.1 lodged a missing report of her husband Naveen at Neb Sarai police station. Seven accused were arrayed in the charge-sheet including Mohd. Jamaluddin @ Jamal. The petitioner No. 1 and deceased got married and had 4 ½ year old daughter. The deceased used to harass and quarrel with petitioner No.1 and hence petitioner No.1 was staying at petitioner No.2's house.

5. The charge-sheet further alleges that the deceased suspected petitioner No.1 to be in a relationship with Mohd. Jamaluddin @ Jamal and hence confronted her about the same on 07.08.2021 as a result of which there was a fight between Mohd. Jamaluddin @ Jamal and Naveen. The deceased also slapped petitioner No.1 as a result of which she started bleeding from her nose. Hence, Mohd. Jamaluddin @ Jamal had an altercation with the deceased and thereafter got a *seel batta* and started hitting Naveen on his head.

6. The petitioner Nos. 1 and 2 watched the entire episode and did not oppose killing of the deceased. Thereafter, it is alleged that Mohd. Jamaluddin @ Jamal and Kaushlendra took the body of the deceased to the bathroom. The petitioner No.1 cleaned the blood on the floor with a mop cloth. The deceased body was put in a plastic bag given to Jamaluddin @ Jamal by petitioner No.2. The bag was subsequently thrown in the *nala* at Sukhdev Vihar, near Hazi Cut from where it was found.

7. Subsequently, on 09.08.2021, Jamaluddin @ Jamal messaged the petitioner No.1 and asked her to delete photo, chats and other numbers.

8. It is stated by Ms Narula, learned counsel for the petitioner that the case at best against the petitioners are that the petitioners were present at



the time when the deceased was killed and did not oppose the killing.

9. Mr Singh, learned APP states that in the present case the deceased was killed in the house of the petitioners, in their presence, they helped cleaning the blood and destroying evidence and the body was taken from the house of the petitioners. He further states that the incident of killing happened on 07.08.2021 and the missing person report was lodged on 10.08.2021 with an inordinate delay of 3 days. Hence, the petitioners tried to mislead the police and hence, the allegations against the petitioners under Sections 302/201/120-B IPC.

10. I have heard learned counsel for the parties.

11. In the present case, as admitted by the respondent, the petitioners did not commit any overt act in killing the deceased. From the material on record, at best it can be said that the petitioners are guilty of eliminating the evidence and a part of criminal conspiracy. The petitioners are both ladies and are in custody for almost 3 ½ years and are under trial prisoner and there is a presumption of innocence in their favour. There are 36 witness cited by the prosecution, out of which only 8 witness have been examined till date. The trial is not likely to conclude in near future and the continued incarceration of the applicant will not serve any purpose.

12. For the foregoing reasons, the petitioners herein are directed to be released on bail subject to the following terms and conditions:-

- a) The petitioners shall furnish a personal bond in the sum of Rs 10,000/- (Rupees ten thousand only) each with 1 surety in the like amount, to the satisfaction of the concerned trial court;
- b) The petitioners shall not leave the country without the permission of the concerned court and if the petitioners have a



passport, they shall surrender the same to the concerned trial court;

- c) The petitioners shall furnish to the IO concerned the cell phone number on which the petitioners may be contacted at any time and shall ensure that the number is kept active and switched on at all times;
- d) The petitioners will furnish their permanent address to the concerned IO and in case they change their address, they will inform the IO concerned;
- e) The petitioners shall not indulge in any act or omission that is unlawful, illegal or that would prejudice the proceedings in pending cases, if any;
- f) The petitioners shall appear in Court on every date of hearing unless exempted;
- g) The petitioners shall not communicate with, or come into contact with any of the prosecution witnesses, or tamper with the evidence of the case.

13. All the observations made herein above are only for the purpose of deciding the present petitions and will have no effect on the merits of the case pending.

14. A copy of this order be communicated to the concerned jail authorities for necessary compliance.

15. The petitions along with pending applications, if any, are disposed of.

JANUARY 29, 2025/sr

JASMEET SINGH, J

[Click here to check corrigendum, if any](#)