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

+ **BAIL APPLN. 1706/2025**

RAHUL

.....Petitioner

Through: **Mr.M.T.Malik, Advocate**

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: **Ms. Priyanka Dalal, APP for State
with Inspector Vipin Kumar, PS
Vasant Kunj, South**

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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18.08.2025

1. The applicant, having remained under incarceration since 15.11.2018 (more than six years and 9 months), seeks indulgence of this Court for grant of bail during pendency of the trial in the criminal proceedings arising out of FIR No. 580/2018 dated 15.11.2018, for alleged offences under Sections 34, 302 of the IPC, registered at P.S. Vasant Kunj, (South), Delhi.
2. Per FIR, the case set up by the prosecution is that on 15.11.2018, the applicant/accused accompanied by two co-accused voluntarily came at Police Station Vasant Kunj (South) and confessed their involvement in the murder of Mala Lakhani and her domestic help Bahadur using knives. SI Sandeep, along with police staff and accompanied by the applicant and his companions, proceeded to the spot. On reaching the house, the main door



lock was found open. The applicant pointed out that the dead bodies of the victims were kept in the bathroom attached to the hall on the left side of the house, which was a single-storey structure with a room on the first floor. On inspection of the hall, sewing machines and pieces of cloth were found. The bathroom was opened at the instance of the applicant, and the two dead bodies of the above named victims were found. The male body, aged about 50 years, was found with injuries on the neck and stomach. The female body, also aged about 50 years, was found bearing injuries on the neck and stomach.

3. In the aforesaid backdrop, I have heard the rival contentions and perused the case file.

4. Learned counsel for the applicant would *inter alia* argue as below:-

4.1 In the testimony of PW-1 Mrs. Arti Sharma, she clearly deposed that she and her husband reached the spot at 4:00 a.m., were called by the police to identify the dead bodies, and that her husband identified them only from a distance. This directly contradicts the chargesheet version showing rukka preparation and deposition of bodies at 8:30 A.M. without proper identification.

4.2 That the police failed to identify the beneficiaries of deceased Mala Lakhani.

4.3 That the investigation itself was defective, as the police did not verify properties, bank accounts, or interrogate the beneficiaries, who were persons of interest since she was unmarried and without issue.

4.4 That the finding on fingerprints is wholly misplaced since experts could not retrieve any prints of the applicant or co-accused from either the scene of crime or the Hyundai Verna car in which they had allegedly gone to



police station to confess the crime.

4.5 Similarly, the DNA findings are unreliable. Neither the clothes of deceased Mala Lakhani (victim) did not generate her DNA nor the half pants worn by deceased Bahadur (victim).

4.6 The recovery of weapons and clothes at the instance of the accused is equally doubtful, as PW-9 admitted that one knife was recovered from an open space accessible to all. That a clutch wire, knives, and foul-smelling clothes from a poly bag were planted to shield the real culprits.

4.7 That the identity of the so-called daughter of the victim; Mala Lakhani, who appeared at the crime scene with keys, remains wholly unexplained. She introduced herself, performed certain tasks, and left with the keys, despite the victim (Mala Lakhani) being unmarried and being issueless.

4.8 Equally, crucial electronic evidence has been suppressed, i.e. the DVR of CCTV recovered at the instance of the co-accused was neither sent to FSL nor made part of the chargesheet and has since become untraceable. While CCTV footage from the police station, where the applicant allegedly entered in a Verna car, has not been placed on record.

4.9 That the applicant has been falsely implicated. And yet, he is in incarceration since approximately 6 years and 9 months and is willing to comply with any conditions the Court may impose to secure his presence at trial. It is submitted that he has fully cooperated with the investigation, has no intention of absconding, and is ready to furnish sureties and comply with all directions of the Court.

4.10 In ***Javed Gulam Nabi Shaikh v. State of Maharashtra 2024 SCC OnLine SC 1693*** it was held that bail cannot be withheld as punishment and



presumption of innocence prevails until conviction. He would also cite ***Rabi Prakash v. State of Odisha 2023 SCC OnLine SC 1109***, where the Court recognized that prolonged incarceration itself violates Article 21 and must weigh in favour of conditional liberty.

4.11 Lastly, learned counsel submits that there is no risk of tampering with evidence or influencing material witnesses as their testimony has already been recorded, hence, continued detention is unwarranted.

5 Opposing the above submissions, the learned APP for the State argues that the applicant is not entitled to any relief at this stage. Given the heinous nature of crime, there remains a genuine risk of him absconding or tampering with the evidence. Moreover, applicant confessed to the crime on his own.

6 Having heard, I am of the view that it is a fit case for bail. Let us see how.

7 At the outset, it appears that the petitioner has already remained in custody for over six years and nine months. On this very ground, a co-accused assailed the rejection of his bail before the Supreme Court and, by order dated 08.08.2025, was enlarged on bail on account of delay in trial and prolonged incarceration.

8 As regards the role attributed to the application herein, it transpires that the co-accused who has been granted bail, in fact, both of them along with one more accused had jointly participated in the crime. They all were allegedly also present at the crime scene which led to the registration of the FIR based on their own purported confession.

9 Moreover, on merits, the learned counsel for the applicant asserts that the investigation suffers from serious contradictions and lapses, including



discrepancies in identification timing, failure to verify the victim's assets or interrogate beneficiaries, absence of the accused's fingerprints or reliable DNA evidence, and doubtful recoveries allegedly made from open spaces. The unexplained presence of a woman claiming to be the victim's daughter, suppression of crucial electronic evidence like CCTV DVRs, and the planting of incriminating articles further cast doubt on the prosecution's case. However, all that is matter of trial and this court would refrain to comment on it at this stage.

10 As per the Nominal Roll, the applicant is stated to be involved in another FIR No.503/2017 under Sections 323, 354, 509 of the IPC and Section 8 of the POCSO Act, registered at Police Station Vasant Kunj (Sought), Delhi, in which the applicant is already on bail. His overall conduct in jail is also stated to be satisfactory.

11 The applicant, incarcerated for nearly seven years despite full cooperation, rightly emphasizes the presumption of innocence till proved guilty and the impropriety of prolonged detention as punishment. At this stage, there is no risk of evidence tampering since key witnesses have been examined.

12 In view thereof, further continued incarceration would serve no useful purpose, especially when the trial is not likely to conclude in the near future. A prolonged pre-trial detention becomes punitive even before conviction, and violates the fundamental rule i.e. bail is the rule and jail the exception.

13 Accordingly, the application is allowed. Applicant is directed to be released on bail on furnishing of bail bond and surety to the satisfaction of the learned Trial Judge/Duty Judge as the case may be and subject to the usual conditions to be imposed by the learned trial Judge/Duty Judge.



14 Nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same is only for the purpose of the disposing of the present bail application.

15 Accordingly, the bail application stands disposed of.

ARUN MONGA, J

AUGUST 18, 2025/SV