



\$~2 & 3

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

BAIL APPLN. 2004/2025

ARJUN SHAH

.....Petitioner

Through: Mr. Sumit Sinha, Advocate.

versus

STATE OF NCT DELHI

.....Respondent

Through: Mr. Utkarsh, APP for the State with
Insp. Sandeep and SI Pooran Mal,
P.S. Delhi Cantt.

3

+ BAIL APPLN. 2059/2025, CRL.M.A. 16859/2025

JIVACHHI DEVI

.....Petitioner

Through: Mr. Sumit Sinha, Advocate.

versus

STATE OF NCT DELHI

.....Respondent

Through: Mr. Utkarsh, APP for the State with
Insp. Sandeep and SI Pooran Mal,
P.S. Delhi Cantt.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

21.08.2025

%

1. The above two Applications under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 have been filed on behalf of the Petitioners “**Arjun Shah**” and “**Jivanchhi Devi**” for grant of Regular Bail in case FIR No.351/2015 under Section 302/120B/34 IPC registered at Police Station Delhi Cantt.



2. It is submitted in the Bail Applications that both the Applicants are in Judicial Custody since 07.07.2015. Their Bail Applications have been dismissed by the learned ASJ vide Order dated 03.06.2024. It is further submitted that in the last ten years, only 14 out of 34 Prosecution witnesses, have been examined. However, the material witnesses have already been recorded. There is no likelihood of their tampering with the evidence or influencing the witnesses and they undertake to abide by any conditions that may be imposed. Hence, a prayer is made that the Bail may be granted to both the Applicants.

3. The State has filed the **Status Report**, wherein it is submitted that the brief facts are that on 06.07.2015 at about 12:15 AM an information was recorded vide DD No.3PP about a dead body having been found lying at Ring Road Metro Piller No.55, on the road towards Narayna from Dhaula Kuan. The dead body was identified to be of Raj Dev S/o Ramanand Kamat. He was aged 20 years. He was taken to Safdarjung Hospital. An FIR under Section 302 IPC was registered on the basis of the information.

4. On 07.07.2015, the post mortem was conducted by the Forensic Team of Safdarjung Hospital and the dead body was handed over to his relatives. The cause of death was given as "*Asphyxia as a result of ante mortem ligature strangulation*". The viscera was preserved to rule out any associated intoxication. All injuries were found to be antemortem in nature while Injury No.1 was certified to be sufficient to cause death in ordinary course of nature. The subsequent opinion was obtained from the Forensic Expert who stated that the nylon rope of white colour with the two ends of the rope being joined together with a fixed knot was capable of causing Injury No.1.



5. During the investigations, statements of Raj Kumar and Umesh Kamat were recorded under Section 161 Cr.P.C who deposed about the motive and the circumstantial evidence. Statements of other witnesses were recorded. GPS location chart of TSR between the period 05.07.2015 05:00 P.M to 06.05.2015 05:00 P.M was obtained from DIMTS, IT Park, Near Shastri Park Metro Station, New Delhi. On analysis of GPS location, the location of TSR was found to be at the place of incident. CDR records have also been obtained, which as per the Location Chart were also of the place of occurrence. The Chargesheet has been filed against two Applicants and another co-accused.

6. During the investigations, blood stains were recovered from the TSR in which the two accused had carried the dead body and dumped near the Metro Station. The FSL Report confirms that the blood found on the Auto seat matched with the blood of the deceased in respect of which Supplementary Chargesheet has been filed.

7. Out of 34 total Prosecution witnesses, 14 witnesses have been examined. The Prosecution evidence is in the process of being recorded.

8. **Submissions heard and record perused.**

9. It is a case of murder of a young boy of about 20 years, the body of whom was recovered in the early hours of 06.07.2015. The case of the Prosecution essentially rests on the testimony of two witnesses of circumstantial evidence and on the CDR record of the Mobile Phone of the accused persons, GPS location of Auto, FSL Reports and the testimony of the Doctors.

10. The accused are in Judicial Custody since 07.07.2015. In the last year about 10 years, only 14 out of 34 Prosecution Witnesses have been recorded.



Pertinently, material witnesses of the circumstantial evidence and the Doctors already stands recorded.

11. Considering the pace at which trial has proceeded, it is likely to take a long time. In the totality of circumstances the accused/ Applicants are granted Regular Bail, on the following terms and conditions:

- a) The petitioners/accused shall furnish a personal bond of Rs.25,000/- each and one surety each of the like amount, subject to the satisfaction of the learned Trial Court.
- b) The petitioners/accused shall appear before the Court as and when the matter is taken up for hearing;
- c) The petitioners/accused shall provide their mobile numbers/changed mobile number to the IO concerned which shall be kept in working condition at all times;
- d) The petitioners/accused shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses.
- e) In case the petitioners/accused changes their residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.

12. The copy of this Order be communicated to the concerned Jail Superintendent as well as to the learned Trial Court.

13. The above Bail Applications are accordingly disposed of along with the pending Application(s).

NEENA BANSAL KRISHNA, J

AUGUST 21, 2025

va