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

+ **BAIL APPLN. 2138/2025**

RAHUL

.....Petitioner

Through: Ms. Gunjan Sinha Jain and Mr. Bhuvil
Choudhary, Advocates.

versus

THE STATE GOVT OF NCT DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for the State
with SI Himanshu Kumar Dubey, PS
– Amar Colony.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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12.08.2025

1. The applicant/accused seeks bail in FIR bearing No. 259/2023 dated 27.06.2023, registered at Police Station Amar Colony, for alleged offences punishable under Sections 302, 393, 398 and 34 of the IPC, for which a charge sheet has been filed before the Trial Court.

2. Briefly stating the prosecution case is that on 27.06.2023, an information was received from Safdarjung Hospital, vide DD No. 12A, regarding admission of a patient, namely, Birender S/o Mantu Ram. He was declared unfit for statement by the doctor. Since no eyewitness was present at the hospital, FIR No. 259/2023 dated 27.06.2023 under Section 324 IPC was registered and investigation commenced. The injured subsequently succumbed to his injuries. During investigation, the wife of the deceased, Ms. Kalpana Kumari, stated that in the intervening night of 26–27 June 2023, she learnt about a quarrel and upon reaching near the footpath of



Cambridge School, she found her husband lying injured with three persons standing beside him, one of whom was holding a knife. On 06.07.2023, the victim succumbed to his injuries during treatment. Section 302 IPC was added to the case. Based on the statements of other eyewitnesses, namely Arif and Chintu @ Toti, the accused persons Raja, Rahul (applicant herein), and Lovekush were arrested.

3. In course of investigation, the applicant was arrested on 10.07.2023 and he has been in judicial custody since then.

4. In the aforesaid backdrop, I have heard the parties and perused the case file.

5. Learned Counsel for the applicant would argue on lines of grounds pleaded in the petition *inter alia* urging as below:-

5.1 That the applicant has been falsely implicated in the present case. He belongs to an economically weaker section and is the sole breadwinner of his family comprising aged parents. The prosecution has not brought on record any cogent material to establish the presence of the applicant at the spot of incident at the relevant time.

5.2 That the charge-sheet has already been filed and the investigation is complete. No recovery whatsoever has been affected from the applicant. Thus, his custodial interrogation is no longer required. The applicant undertakes to abide by all conditions that may be imposed by this Court, if he is granted bail.

5.3 That the applicant has been in judicial custody for more than 02 years, and considering the pendency of cases, the trial is likely to take considerable



time. The applicant is employed as a PWD Sahayak at CJ-04, has no previous criminal antecedents, and has never been punished while in jail. His conduct during custody has remained good, with nothing adverse recorded against him.

6. Per contra, stand taken by the learned APP appearing for the prosecution/State is that the allegations against the applicant/accused are of a very serious nature. The testimony of the material witnesses is yet to be recorded. In all probability, if released on bail, the applicant may attempt to influence or intimidate the witnesses.

6.1 Multiple eye witnesses including Kalpana (wife of the deceased), Rohit Kumar (brother-in-law), Arif, Chintu @ Toti, Kuldeep, and Abhishek Soda have given consistent statements under Section 161 CrPC, which categorically implicate the accused persons. The testimonies are natural, trustworthy and corroborated *inter se*.

6.2 CCTV footage seized from Cambridge School corroborates the movements of the accused persons at the spot of incident. The knife used in the commission of the offence has been recovered at the instance of one of the accused. Blood-stained clothes and other incriminating articles have also been recovered during police custody remand.

6.3 The post-mortem opinion clearly establishes that death was caused due to septicemia resulting from perforation of the intestine consequent to stab injury. The injuries were *ante mortem* in nature and individually sufficient in the ordinary course to cause death.

6.4 The TIP proceedings were duly conducted, in which the wife of the deceased, Kalpana, correctly identified all the accused. They were further



identified by other independent eyewitnesses during investigation.

6.5 It is further submitted that there are direct eye-witnesses to the incident as well as supporting scientific evidence on record which clearly implicates the accused. The offences alleged against the applicant are grave, and there exists every likelihood that the accused may threaten the witnesses or abscond from the process of law if enlarged on bail.

6.6 The learned Trial Court, vide order dated 09.09.2024, has rightly dismissed the bail application.

7. Having heard learned counsel for the petitioner as well as learned APP, I am of the view at this stage that the applicant is not entitled to concession of bail. Let us see how.

8. As noted in the submissions, the prosecution case is supported by the statements of multiple credible eye-witnesses i.e. Kalpana (wife of the deceased), Rohit Kumar (brother-in-law), and independent witnesses Arif, Chintu @ Toti, Kuldeep, and Abhishek Soda. All of them have implicated the accused/applicant. No fabrication or malice has been alleged *qua* them.

8.1 The chain of evidence is further strengthened by objective material. CCTV footage seized from Cambridge School establishes the presence and movements of the accused at the scene of occurrence. Moreover, the recovery of the weapon of offence (knife) at the instance of one accused along with blood-stained clothes and other incriminating articles during police custody remand, provides strong corroborative evidence linking the accused to the heinous crime.

9. Bail, if granted at this stage to the applicant, may lead him to



influence the eye witnesses, whose testimony is yet to be recorded. Given the nature of the offence and the role attributed to him, at this stage, it is not a fit case to grant any indulgence to the applicant.

10. Considering the severity of punishment in case of conviction and the strong prima facie case, there exists a likelihood of the accused fleeing from trial, if enlarged on bail. Moreover, granting bail in the instant case involving heinous nature crime viz. murder would send a wrong signal to society and undermine public confidence in the criminal justice system.

11. In the premise, taking into account the seriousness of the offence and the nature of allegations, the applicant/accused, does not deserve to be released on bail as possibility of his influencing/intimidating material witnesses, *ibid* cannot be ruled out.

12. The bail application is, accordingly, dismissed with liberty to file a fresh bail application at an appropriate stage.

13. Any observations made herein above are only for the purpose of deciding the instant bail application and learned trial court shall proceed in the matter uninfluenced by the same.

14. Meanwhile, given the already long incarceration of the applicant, it would be appreciated of the learned Trial Court if unnecessary adjournments are avoided at the behest of the prosecution.

ARUN MONGA, J

AUGUST 12, 2025/kd/rs