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

+ **BAIL APPLN. 2518/2024 & CRL.M.A. 21072/2024**

MOHIT

.....Petitioner

Through: Mr. Rohit Singh, Mr. Sujit Kumar,
Mr. Mohit Saini, Mr. Shubham,
Advocates.

versus

STATE GOVT NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for the State
with Insp. Neeraj Kr, P.S. Anand
Parbat.

Mr. Manmeet Singh Maini, Advocate
for complainant along with
complainant in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

04.07.2025

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1. This hearing has been done through hybrid mode.
2. The present application under Section 439 read with Section 482 of the Cr.P.C. seeks regular bail in case FIR No. 385/2021, under Section 306 of the IPC, registered at P.S. Anand Parbat.
3. The case of the prosecution against the present applicant, as per status report 21.08.2024, authored by Insp. Subhash Chandra, SHO, P.S. Anand Parbat is as under: -

“1. Brief facts of the present case are that on receipt of DD No. 46A dated 2.9.21 (at 19:02 hrs.), ASI Rakesh Kumar along with Ct. Surender No. 1919/C reached at the spot i.e., H. No. T 29 F/10/2 Bheel Basti Balaji Nagar Anand Parbat Dehi where one girl was found hanged with the ceiling fan with the help of Chunni in a room on the



ground floor of the said house. She was identified by her father Sh. Shyam Shahu as Preeti aged about 19 years. Dead body of deceased Preeti was got down. Father of deceased Shyam Shahu and mother of deceased Smt. Anita draw attention towards the left hand of the deceased on which it was written that ***"I am sorry mom Dad & D Mohit ne mazbur kiya muje yeh karne Par"***. After that the spot got inspected by Crime Team/ Central District and photographs of the spot were taken. Deceased Preeti was declared brought dead by Dr. in RML Hospital vide MLC No. E-185018/21. Thereafter, the dead body of deceased Preeti was shifted to mortuary of RML Hospital.

2. On 3.9.21, Shyam Sahu, Father of deceased gave his statement to ASI Rakesh Kumar wherein he stated that *"His daughter is studying in BA. One Mohit S/o Lt. Sh. Ramesh Kumar is residing in his neighbour at H No. T - 154/A Bheel Basti Baljeet Nagar Anand Parbat Delhi. About one and half year ago, one day, Shyam Sahu noticed that Mohit was talking with Preeti. Shyam Sahu informed the mother of Mohit in this regard and raised objection. Mohit did not agree to stop talking with Preeti. He used to force Preeti to talk with him. Preeti also made complaint to her Parents that Mohit is forcing her to make friend of him. Mohit also used to talk Preeti on phone with different numbers and also threatened her to defame her. About 3-4 days ago, Preeti also told her father Shaym Sashu that if Mohit would not stop talking then she would kill herself. On 2.9.21, it was birth day of Preeti. Shyam Sahu and his wife went to their work out of their house. Preeti and her brother Akash were at the home. At about 6:40 PM Akash informed his Father Shaym Sahu that Preeti has hanged herself. On this, he reached at the house and found that Preeti had hanged herself with Ceiling Fan in the house. Mother of deceased also reached at the house. He further stated that her daughter Preeti has killed herself due to harassment committed bā Mohit. He also stated that on 2.9.21, he could not give statement as he was in problem due to death of his daughter"*.

3. On the said statement, ASI Rakesh Kumar made endorsement and accordingly the present case was registered and investigation was handed over to SI Amit.

Investigation:

4. During the course of Investigation, statements of witnesses were recorded U/s 161 Cr.P.C. ligature material i.e., Chunni, was seized and taken into Police Possession. PM of deceased got conducted in RML Hospital and dead body of deceased was handed over to her parents. Ligature material seized by autopsy surgeon from the neck of



the deceased during her Post Mortem was also taken into Police possession. One mobile phone of the deceased Preeti and the hand written documents (English 8 PPs & Hindi 22 PPs) and one diary written in the handwriting of Preeti, produced by the complainant Shyam Sahu were taken into Police possession. Complainant Shyam Sahu, father of deceased, also produced one handwritten suicide note of Preeti which was also taken into Police possession.

5. On 9.9.21, accused Mohit was arrested after getting sufficient evidences. His mobile phone was also seized. Report from crime team regarding spot inspection was collected. PM report of deceased was also collected wherein the cause of death opined as ***“asphyxia due to hanging and ligature mark is ante-mortem in nature, fresh in duration and consistent with hanging”***.

6. During the investigation, statement of witnesses (family members of deceased) namely Smt. Anita Sahu (mother of deceased), Akash (brother of deceased), Zeevaachh Sahu (uncle of deceased) and Pankaj Kumar (Mama of deceased) were recorded U/s 161 Cr.P.C. Zeevaachh Sahu and Pankaj Kumar above said, produced their phones and stated that Mohit had sent the illicit photos of Preeti on their phones which they had deleted. The said phones (02) were also taken into Police Possession. The documents containing Admitted handwriting of deceased Preeti were collected from her school. All the mobile phones and questioned documents along with the admitted handwritings were sent to FSL for expert opinion. Letter was also sent to Facebook to obtain the registrant details of fake instagram account ***“Sweetyshehgal”*** of deceased Preeti Sahu.

7. During the investigation, Smt. Usha (mother of accused Mohit) and Vijay (Jija of Mohit) were also examined as they were also alleged in the suicide note of deceased Preeti.

8. FSL result:

➤ Report from Instagram was received in respect of fake ID ***“Sheetysehgal”***. The said ID was created on 31.1.21 and IP address used to create the said ID was issued by Hathway net Company. As per reply received from Hathway Net Company, Mr. Rinku Kumar (brother of accused Mohit) Was the subscriber and he provided Mobile no. 9667679114 at the time of said subscription. Certified copy of CAF of the said mobile number revealed that this mobile number is registered in the name of accused Mohit.

➤ Result regarding Mobile phones of 1. Deceased (marked as MP1) 2. Accused Mohit (marked as MP2), 3. Witness Jeevach Sahu, uncle of deceased (marked as MP3) and 4. Witness Pankaj, Mama of



deceased (marked as MP4) was also obtained from FSL. On the scrutiny of the said result it was revealed that one morphed photograph of the deceased was found in mobile phone of Jeevach Sahu, uncle of deceased, although the same is not obscene. This photograph was shown to said witness who stated in this regard that this is the photo which he received through WhatsApp.

➤ Several photographs were also found in the mobile phone of accused Mohit. Out of which 02 photographs of private part of woman along with the images of deceased were found in two different dates (30.6.20 & 1.7.20). Keeping in view of dates of these photographs of private part of woman along with the images of deceased, it can be considered that these are the private part of deceased. It is also found that in two images dated 1.7.20, it is seen that same coffee coloured pack was applied by the deceased on her face and private part. Some photographs in which accused is kissing the deceased are also found in data of mobile phone of accused Mohit. From the above said facts it can be ascertained that accused Mohit had nude photographs of the deceased which resulted in compelling her suicide.

➤ On perusal of data recovered from the mobile phone of the deceased, there are voice call recording which had been talked between deceased and accused Mohit's brother in law (Jija). Conversation found in this call recording revealed that accused Mohit was harassing and threatening the deceased.

➤ On perusal of result obtained from FSL in regard to the Suicide Note (one page of diary) and suicide note written On the hand of deceased, it is confirmed that both the suicide notes (on the page of diary and on the hand of deceased) were written by deceased Preeti.

9. As per oral and documentary evidences collected during the investigation, it was found that deceased Preeti and Accused Mohit had become friends through Facebook and both were neighbours and used to meet and talk with each other, which came to the notice of Deceased Preeti's family members, which the family members said to both children. Preeti obeyed her parents and did not keep relations with Mohit, but Mohit still tried to meet and talk to Preeti forcibly and when Preeti ignored Mohit, he shared her private photos. It went viral due to which Preeti committed suicide.

10. Therefore, after completion of investigation, charge sheet against accused Mohit for the offence punishable U/s 306 IPC was submitted before the Hon ble Court. Name of Smt. Usha, mother of accused Mohit and Vijay, brother in-law of accused Mohit were kept in column no. 12 of the Charge sheet. Charge U/s 306 IPC was framed



against accused Mohit by the Hon'ble ASJ/West, Tis Hazari Courts Delhi vide order dated 31.10.22.

11. After collecting the FSL result section 66C/66E/67/67A IT Act Were invoked and supplementary charge sheet qua FSL result in respect of mobile phones and report regarding fake Instagram ID was also submitted before the Hon'ble Court of Sh. Vishal Singh, Ld. ASJ/West Distirct Tis Hazari Courts Delhi against accused Mohit U/s 66C/66E/67/67A IT Act.”

4. Learned counsel for the applicant has submitted that the latter has falsely been implicated in the present case as he was in relationship with the deceased and the same was not acceptable to her father (complainant) and other family members and the same has also been stated by the father of the deceased in the statement given to the police based on which the present FIR was registered. It is further submitted that the present applicant has been in custody since 09.09.2021 and has undergone incarceration for more than 3 years 10 months. It is submitted that the present applicant has clean antecedents as he is not involved in any other previous offence and has thus become entitled to be released on bail in terms of first proviso to Section 479(1) of the BNSS as he has undergone one-third of the maximum period of imprisonment specified for the offence punishable under Section 306 of the IPC, *i.e.*, 10 years. Reliance has been placed on the order dated 23.08.2024 passed by the Hon'ble Supreme Court in Writ Petition (Civil) No.406/2013, titled as “In Re-Inhuman Conditions in 1382 Prisons” whereby, directions were issued for the immediate implementation of Section 479 of the BNSS across the country and processing of the applications by the concerned Courts wherein the undertrial prisoners have undergone 1/3rd of the maximum period of imprisonment specified for the offence alleged against them.

5. Learned counsel for the applicant has submitted that the photos sent to



the brother-in-law of the deceased were not obscene/morphed and the same were sent to show that the deceased was contacting the present applicant and not the other way around. It is further submitted that the CDR of the applicant does not implicate the present case as the same shows that there was no call made to the deceased's mobile number by the present applicant. It is further submitted that the factum of alleged suicide note on the hand of the deceased has not been mentioned in her MLC as well as her postmortem report. It is further submitted that the version of the incident narrated by the parents and brother of the deceased are contradictory to each other. It is further submitted that the suicide note allegedly written by the deceased annexed with the chargesheet was allegedly recovered after 25 days of the occurrence of the incident and therefore, the possibility of the same being manipulated cannot be ruled out. It is further submitted that investigation in the present case is complete, chargesheet has been filed, material witnesses have been examined, and thus, no purpose would be served in keeping the applicant under prolonged incarceration.

6. *Per contra*, learned APP for the State, assisted by learned counsel for the complainant has submitted that during the course of investigation it was revealed that the present applicant had disseminated the obscene/morphed pictures of the deceased to his friends and a fake account was also created on 'Instagram' by him by using the IP address of the internet subscribed by his brother and the mobile number linked to the said account was in the name of the present applicant. It is further submitted that on FSL examination of the mobile phone of the applicant, various personal images of the deceased were also recovered. It is further submitted that on perusal of the data from the deceased's mobile, voice recording of the calls between the deceased and



applicant's brother-in-law (*jija*) were also recovered wherein, threats were extended on behalf of the applicant to the deceased. It is further submitted that the present applicant has been threatening the father of the deceased, complainant, to withdraw the present case and various complaints regarding the same have been filed in the concerned Police Station and have also been placed on record. Learned APP for the State has further submitted that out of 26 witnesses cited by the prosecution 13 have already been examined so far and the trial is proceeding at a steady pace.

7. Heard learned counsel for the parties and perused the records.

8. This is the 2nd bail application of the present applicant. The previous bail application filed on behalf of the present applicant, being BAIL APPLN. 170/2022 was dismissed by a Coordinate Bench of this Court *vide* order dated 07.10.2022.

9. This Court has perused the suicide note annexed along with the chargesheet, wherein the deceased had referred to the applicant as her boyfriend on whom she had faith and trust and he had tried to hurt her. It is further mentioned therein that the present applicant had harassed the deceased and had created a fake Instagram profile Id in the name of "*Swettysehgal*" and had sent her obscene images to her family members from the said account. The note further records that the applicant used to call her from different mobile numbers and threaten her that he would ruin her life. It was further stated that the deceased had requested the present applicant to delete her images, however, he did not do so and continued to harass her to the extent that she was constrained to take such an extreme step. It is also the case of the prosecution that in the left hand of the deceased it was written that, "***I am sorry mom Dad & D Mohit ne mazbur kiya muje ye karne Par.***"



10. From the tone and tenor of the the suicide note annexed with the chargesheet, the deceased has categorically expressed her helplessness to take the extreme step which, as per the said note, was not on account of one stray incident but continuous series of act on part of the applicant over a period of time. She has categorically written in the note that: -

“..... मैंने बहुत बर्दाश किया पर हर दिन मुझे मजबूर करता रहा की मैं कोई गलत कदम उठाऊ/”

11. Report from the FSL regarding the handwriting on the suicide note annexed with the chargesheet as well as suicide note written on the hand of the deceased has been received wherein, it is stated that handwriting on both of the notes have matched and were written by the deceased. FSL report further shows that certain objectionable photos of the deceased were also found in the mobile phone of the applicant. It has also come on record that the aforesaid fake ID on instagram was made from an IP address which was subscribed by Rinku Kumar (brother of the present applicant). During interrogation, the said Rinku Kumar stated that he had provided the mobile number-9667679114 at the time of said subscription. Certified copy of the Customer Application Form (CAF) of the aforesaid mobile number reflects that the same was in the name of the present applicant.

12. Insofar as reliance placed by the learned counsel for the applicant on proviso I to Section 479(1) of the BNSS is concerned, it is pertinent to note that IInd Proviso to Section 479(1) states that the Court may after hearing the public prosecutor and for reasons to be recorded in writing may order for the



continued detention of the applicant. Explanation to the aforesaid Section 479(1) of the BNSS provides that in computing the period of detention for granting bail under this provision, delay in proceedings should not be caused by the accused. However, nothing has been placed on record to demonstrate the same.

13. Learned counsel for the complainant had submitted that the latter has given two complaints against the family members of the applicant regarding threats extended by them and pressure put on him to withdraw his complaint and help the applicant in getting the bail.

14. In the status report dated 27.02.2025, the Investigating Officer has stated that the enquiry was made in the said complaints, though no cognizable offence was made out, however, there was abuse to the complainant and therefore, the said complaints were closed.

15. Learned APP for the State pointed out that out of 26 witnesses cited by the prosecution, 13 have been examined so far.

16. In view of the aforesaid facts and circumstances, the present application is dismissed, at this stage, and disposed of accordingly.

17. Pending applications, if any, also stand disposed of.

18. The learned Trial Court is directed to conduct the trial in the present FIR as expeditiously as possible.

19. Needless to state that, nothing mentioned hereinabove, is an opinion on the merits of the case and any observations made herein are only for the purpose of the present bail application.

20. Copy of the order be sent to the learned Trial Court as well as the concerned Jail Superintendent for necessary information and compliance.



21. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

JULY 4, 2025/bsr/ns

Click here to check corrigendum, if any