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

+ **BAIL APPLN. 2532/2024 & CRL.M.A. 292/2025**

RAM AVATAR MEENA

.....Petitioner

Through: Mr. Adarsh Kumar Tiwari, Mr.
Devesh Kumar, Mr. Vartika Maurya &
Mr. Akash Jaiswal, Advs.

versus

CENTRAL BUREAU OF INVESTIGATIONRespondent

Through: Mr. Rajesh Kumar, SPP with Ms.
Mishika Pandita, Adv. for CBI.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

14.01.2025

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1. This hearing has been done through hybrid mode.
2. The present application under Section 439 of the Code of Criminal Procedure, 1973, (for short, 'CrPC') has been filed seeking regular bail in FIR No. RC-06(S)/2021/CBI/SC-III/ND, under Sections 302/323/341/34 of the Indian Penal Code, 1860, (for short, 'IPC'), registered with CBI. Finally, the chargesheet in the present case was filed for the offences punishable under Sections 304/323 read with Section 34 of the IPC.
3. The case of the CBI/respondent, as per the reply dated 12.08.2024 filed by Sh. Rohit Kumar Yadav, Inspector of Police, CBI, SC-III, New Delhi, on behalf of the CBI/respondent is as follows: -

“1. It is submitted that FIR No. 451 of 2021 dated 09.08.2021 u/s 302. 323, 341 r/w 34 of IPC was lodged at PS: Hari Nagar, New Delhi against Narender Meena, the then Dy. Superintendent (Chakkar) and other officials for murder of Under Trial Prisoner (hereinafter referred as UTP) Sh . Ankit Gujar and injuring 2 other UTPs. It is submitted



that UTP Ankit Gujjar died due to hemorrhage consequence upon only cumulative effect of multiple blunt force injuries sustained to body on 03/04.08.2021.

2. It is submitted that mother, sister and brother of the deceased preferred W.P.(Crl) No . 1558 of 2021 before this Hon'ble Court seeking transfer of investigation to CBI. This Hon'ble court vide order dated 08.09.2021 transferred the case to CBI and the said case was re-registered vide RC-06(S)/ 2021 /SC-III /ND dated 10.09.2021 under sections 302, 323, 341, 34 IPC in the Special Crime-III , Branch of CBI, New Delhi.

3. It is submitted that charge sheet was filed on 02.07.2022 before the Ld. CMM, Rouse Avenue District Court against Narender Meena. Supplementary charge sheet dated 15.09.2022 was filed before the Ld. CMM. Rouse Avenue District Court against 5 persons including the applicant Ramavatar Meena, the then Warder, Tihar Central Prison, New Delhi u/s 304, 323 r/w 34 and was arrayed as A-5.

4. It is submitted that the A-l Narender Meena preferred an application before Ld. Principal District and Sessions Judge cum Special Judge (PC Act) CBI, Rouse Avenue District Court seeking transfer of case to a different court. The said application was dismissed vide order dated 26.08.2023.

5. It is submitted that A-l Narender Meena preferred TR.P.(Crl.) No. 112 of 2023 before this Hon'ble Court against order dated 26.08.2023 passed by the Ld. District Judge alleging that the Ld. Judge hearing the case is bias and prejudiced against the petitioner. This Hon'ble Court dismissed the above-mentioned petition vide order dated 31.08.2023.

6. Thereafter, A-l Narender Meena preferred SLP (Crl) No. 12055 of 2023 before the Hon'ble Supreme Court against order dated 31.08.2023 passed by this Hon'ble Court. The Hon'ble Supreme Court vide order dated 06.10.2023 was pleased to issue notice in the matter and directed the trial court to defer the proceedings insofar as any action against the petitioner therein. It is pertinent to mention that the applicant herein has been arrayed as Respondent in the SLP(Crl) No. 12055 of 2023 pending before the Hon'ble Supreme Court.

7. It is submitted that the accused Ram Avatar Meena was arrested by CBI at SC - III Branch, CBI , New Delhi on 03.08.2022 and is presently in Judicial Custody . It is pertinent to mention here that the applicant was enlarged on interim bail from 06.06.2023 to 26.08.2023.

8. It is pertinent to mention here that independent witnesses are yet to



be examined before the Ld. Trial Court and some of them have approached the Ld. Trial Court with the complaint that they are being continuously threatened to change their statements. However, the applications were disposed off with suggestion to approach competent authority i.e. Witness Protection Committee. It is submitted that the witnesses have approached Ld. Witness Protection Committee for their protection.

9. It is submitted that applicant preferred Bail application IA no . 30 of 2024 before the Ld. Special Judge seeking regular bail. Ld. Special Judge vide order dated 11.07.2024 dismissed the bail application preferred by the applicant.

ROLE OF RAMAVATAR MEENA (A-5)

10. It is submitted that during investigation of this case, statements of eye witnesses recorded and other evidences established the role of accused Ramavatar Meena in commission of crime . It is pertinent to mention here that 04 eye witnesses have seen the applicant beating the deceased Ankil Gujjar including the 02 eye witnesses who are the victims of the use of criminal force by the accused, in the said offence. The copy of statements of eyewitness are attached herewith and marked as **Annexure R-1 (Colly)**.

11. It is submitted that the eye witnesses have seen the accused beating the deceased and it is also on record that the witnesses were examined by SI Vikas Fageria on 04.08.2021. In this regard, it is submitted that on 04.08.2021, the witnesses were in extreme pain. Their further statement was not recorded by Delhi Police. Further, the other 02 eye witnesses who were transferred to Mandoli Central Prison have corroborated the statement of eyewitnesses/ victims with vivid account of the incident. Further, presence of eye witnesses at the scene of crime is established by forensic proof i.e. DNA on weapons of assault. The witnesses are yet to depose before the Ld. Trial Court. It is further submitted that the eye witnesses approached Ld. Trial Court with the complaint that they are being continuously threatened to change their statements. However, the applications were disposed off with suggestion to approach competent authority i.e. Witness Protection Committee. It is submitted that the witnesses have approached Ld. Witness Protection Committee for their protection.

12. It is submitted that the version of prosecution is strictly limited to facts disclosed by the witnesses and the documents collected during investigation. The lathi sticks were forensically examined before seizure. Further, the presence of DNA of all 03 victims namely Ankit



Gujjar, Gurjeet Singh and Gurpreet Singh on the weapons of offence (lathi sticks) leaves no room for doubting the credibility of the eye witnesses. The accused applicant was given ample opportunity to produce any information which could be verified and used to prove his innocence but the applicant failed to do so.”

4. Learned counsel for the applicant submits that the latter was posted as Assistant Superintendent of Jail No. 3 and was deputed at VC room of chakkar of the jail and the alleged incident had taken place in ward No. 5A. It is pointed out that, as per the case of the prosecution, the latter was not named as an accused in the present case in the initial chargesheet filed before the Court of competent jurisdiction on 01.07.2022, and his name was kept in the column No. 12 of the said chargesheet based on the ground that further investigation was pending against them. He further submits that he was arrayed as an accused (A-2) by way of the supplementary chargesheet filed by the respondent on 13.09.2022. It is further contended that the present applicant was not present at the alleged crime spot and was posted in the different ward of the jail at the alleged point in time when the incident in the present case has stated to have been reported.

5. He further submits that the main accused person, Narender Meena (A-1), in the present case, whose fight with the deceased was the genesis of the alleged incident, has already been granted bail by the Hon’ble Supreme Court *vide* order dated 06.01.2025 passed in Criminal Appeal No. 128/2025, SLP (Crl.) Bearing Diary No. 45425/2024. The order dated 06.01.2025 passed by the Hon’ble Supreme Court reads thus: -

“Leave granted.

The appellant has been charge-sheeted for the offences punishable under Section 304 and 323 read with Section 34 of the Indian Penal Code, 1860.

Considering the facts and circumstances of the case, we are inclined



to set aside the impugned order and grant bail to the appellant. Accordingly, the impugned order is set aside and the appellant is granted bail on terms and conditions to the satisfaction of the Trial Court.

The appeal stands allowed accordingly.

Pending application(s), if any, shall stand disposed of.”

6. *Per contra*, learned SPP for CBI/respondent submits that allegations made in the FIR against the present applicant are serious in nature and, as per the statements of two eye-witnesses recorded on 04.08.2021 during the course of investigation, the present applicant was also seen beating the deceased during the said incident. He submits that, insofar as the plea of *alibi* raised by the present applicant is concerned, the same can be adjudicated by the learned Trial Court during the course of the trial.

7. He further submits that the presence of the applicant in a different ward of the same jail would not make any difference and his presence at the crime spot cannot be ruled out as he could have reached there within a very short span of time. It is further the case of CBI that the applicant was discharging duty in close vicinity to his other co-accused persons. He further submits that the BAIL APPLN. 1912/2023 filed on behalf of the main accused in the present case, i.e., Narender Meena (A-1), seeking regular bail was dismissed by Coordinate Bench of this Court, *vide* judgment dated 26.09.2024.

8. Heard learned counsel for the parties and perused the record.

9. Admittedly, as per the case of the prosecution itself, the present applicant was kept in column No. 12 of the initial chargesheet filed in the present case against A-1 (Narender Meena). It is a matter of record that in the statements of the two eye-witnesses namely, Gurpreet @ Badal and Gurjeet @ Bobby, recorded on 04.08.2021, the name of the present applicant has not



been mentioned. The name of the present applicant had surfaced in the statements of the said witnesses which were recorded on 08.10.2021. Insofar as the contention of the prosecution that the applicant has played a key role in the death of the deceased by lending support to the main perpetrator of the crime, i.e., Narender Meena (A-1), who had given beatings to the deceased, is concerned, the said Narender Meena (A-1) has been granted bail by the Hon'ble Supreme Court *vide* order dated 06.01.2025. The role assigned to the present applicant, as per the case of the prosecution, is similar to that of the main accused (A-1).

10. Nominal roll dated 14.01.2025 shows that the present applicant, as on 13.01.2025, has undergone incarceration for a period of 1 year 10 months 26 days and his conduct during the custody period is satisfactory. It further shows that the applicant was earlier released on interim bail on four occasions and he had not misused the liberty granted to him and had duly surrendered on time.

11. Charges in the present case are yet to be framed and completion of trial is likely to take time. Alleged prime accused (A-1) in the case has already been released on bail *vide* order dated 09.01.2025 passed by the learned Special Judge in pursuance of the directions passed by the Hon'ble Supreme Court *vide* order dated 06.01.2025.

12. In the totality of the facts and circumstances of the case, the present application is allowed and the present applicant is directed to be released on his furnishing a personal bond in the sum of Rs. 1,00,000/- alongwith one surety of the like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to the following conditions: -

- i. The applicant shall mark his attendance physically on every third



Monday of each calendar month during the office hours with the concerned Investigating Officer of this case at CBI office, New Delhi for a period of six months, and thereafter, as directed by the learned Trial Court.

ii. The applicant shall not leave India without prior permission of the learned Trial Court.

iii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.

iv. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.

v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.

13. The present application is allowed and disposed of accordingly.

14. Pending applications, if any, also stand disposed of accordingly.

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

16. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.

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

AMIT SHARMA, J

JANUARY 14, 2025/nk

Click here to check corrigendum, if any