



\$~2

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

+ **BAIL APPLN. 2696/2025**

SOBHA

.....Petitioner

Through: Mr. S. Islam, Mr. Shanul Islam and Mohd
Kaif, Advocates

versus

THE STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Naresh Kumar Chahar, APP for the
State Mr.B.S. Jakhar, Mr. Vikram Singh
Jakhar, Ms. Bhawna Jakhar, Mr. Neeraj
Jakhar, Mr. Viraj Rathee, Ms. Lata Sharma,
Mr. Kashish Aggarwal, Mr. Vikas Bajaj
and Ms. Ritika Tripathi, Advocates

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

%

13.10.2025

1. By way of the present application, the applicant seeks grant of regular bail in case arising out of FIR bearing no. 703/2022, registered at Police Station Tilak Nagar, Delhi for the commission of offence punishable under Sections 302/120B/201/34 of the Indian Penal Code, 1860 (hereafter 'IPC').
2. Brief facts of the case are that on 12.11.2022, information regarding death of one Sanjay, aged 38 years, was received *vide* MLC No. 348/22 from Central Hospital, Ganesh Nagar, pursuant to which DD No. 111A was recorded at P.S. Tilak Nagar and inquiry under Section 174 of Cr.P.C. was initiated. The body was preserved at DDU Hospital, and post-mortem was



conducted on 13.11.2022 *vide* PM No. 1988/22. As per the post-mortem report, the cause of death was asphyxia resulting from manual strangulation and smothering, and the manner of death was opined to be homicidal. It was further observed that the injuries suggested the involvement of more than one person. On this basis, the present FIR was registered and investigation was taken up.

3. During investigation, the deceased's brother Mangal disclosed that on the day of the incident, he had seen his sister-in-law Shobha (wife of the deceased) entering her house along with two unknown men. Later that evening, the deceased was found unconscious and declared dead at the hospital. Mangal suspected that his brother had been killed by Shobha in connivance with the two men seen with her. CCTV footage corroborated the presence of these two persons. On interrogation, accused Shobha confessed to having killed her husband with the help of her paramour Vikram Singh @ Vicky and one Suraj, alleging that the deceased used to mentally and physically torture her. She disclosed that during the incident, Vikram held the deceased's hands, Suraj smothered him with a pillow, and she held his legs. Pursuant to her disclosure, certain articles including blankets, pillows, bedsheet, and mobile phones were seized, and she was arrested. Subsequently, co-accused Vikram Singh @ Vicky and Suraj were also arrested. Their clothes and mobile phones were seized, and both of them refused to participate in judicial TIP proceedings. After completion of investigation, charge sheet was filed on 29.03.2023, and charges were framed on 17.05.2023 against all the accused persons.

4. The learned counsel appearing for the applicant/accused has argued



that the applicant is an innocent lady aged about 38 years who has been falsely implicated in the present case. It is contended that the facts and circumstances of the case, as well as the material placed on record, do not establish any role of the applicant in the commission of alleged offence; and further that the recovery shown to have been effected at her instance is false and planted. It is further submitted that the investigation in the present case already stands completed and the charge sheet has been filed. Out of more than 24 witnesses cited by the prosecution, only 6 witnesses have been examined till date, and the conclusion of trial is likely to take considerable time. It is, therefore, prayed that the applicant, who has been in judicial custody since 15.11.2022, be granted bail.

5. On the other hand, the learned APP for the State opposes the present bail application and argues that the allegations against the applicant are serious in nature. It is argued that the applicant is the principal conspirator in the case and had played an active role in the murder of her husband by hatching a plan with the co-accused persons. The learned APP further submits that the post-mortem findings, CCTV footage, and the recovery of articles at the instance of the applicant clearly corroborate the prosecution case and *prima facie* establish her involvement in the commission of offence. It is, therefore, prayed that the present bail application be dismissed.

6. This Court has **heard** arguments advanced on behalf of the applicant/accused as well as the State, and has perused the material on record.

7. This Court notes from the record that during the course of investigation, the statement of the deceased's brother was recorded, who



disclosed that on the date of the incident, while he was standing outside his house, he had seen the present accused entering the house of the deceased along with two other persons, later identified as the co-accused persons. Around 5:30 PM, the accused had approached him to enquire about his wife, and when questioned regarding the two men accompanying her, she stated that they had been called by her husband i.e. deceased for whitewashing work. However, within less than an hour, at about 6:15 PM, the son of the deceased and the accused informed him that his father was lying unconscious. On reaching the spot, he noticed injury marks on the neck of the deceased, to which the accused responded that the marks were old. A local doctor was called, and the deceased was subsequently taken to the hospital, where he was declared “brought dead.”

8. During investigation, the CCTV footage corroborated the brother’s statement, showing the accused entering the house along with the two co-accused, thereby prima facie supporting the prosecution version. The investigation further revealed that the accused was unhappy in her marital life, as the deceased used to subject her to physical and mental cruelty. She had developed an intimate relationship with co-accused Vikram Singh, and together with him and co-accused Suraj, she allegedly conspired to eliminate the deceased. Pursuant to her disclosure statement, she confessed to having committed the murder along with her co-accused, and at her instance, a mobile phone belonging to the deceased, along with three blankets, five pillows, and a bedsheet allegedly used in the commission of the offence, were recovered. It has also come on record that the co-accused refused to participate in the Test Identification Parade (TIP) proceedings.



9. The contention of the learned counsel for the applicant that the applicant, being a woman, is entitled to bail on that ground alone, is devoid of merit. The gravity of the allegations and the *prima facie* material collected during investigation indicate her active involvement in the murder of her husband, committed after developing a relationship with co-accused Vikram Singh and conspiring with him and another associate to kill him. The offence alleged is of a serious and heinous nature, and gender of the accused by itself cannot be a mitigating factor in such circumstances. The post-mortem report at this stage also lends support to the prosecution version, which records as under:

- “(i) The cause of death is asphyxia resulting from manual strangulation (throttling) and manual smothering.
- (ii) Two parallel rope-like materials were also used for the constriction of the neck, but these injuries appear to be post-mortem in nature.
- (iii) The involvement of more than one person in completing the act of strangulation cannot be ruled out.
- (iv) The manner of death is homicidal...”

10. Additionally, this Court notes that several material prosecution witnesses in the case, including the brother of the deceased, are yet to be examined. In this regard, this Court finds it relevant to take note of the Hon’ble Supreme Court’s observation in ***X v. State of Rajasthan: SLP(Crl.) 13378/2024*** that ordinarily, in offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining the witnesses, the Courts should be loath in entertaining bail applications of the accused.

11. For the reasons recorded in preceding discussion, and considering the overall facts and circumstances of the case, no ground for grant of bail is made out at this stage.



12. Accordingly, the present bail application stands dismissed.
13. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.
14. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

OCTOBER 13, 2025/ns