



\$~8 to 10

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

+ **BAIL APPLN. 2734/2025 & CRL.M.A. 21346/2025**

NEELAM

.....Applicant

Through: Mr. Ramesh Gupta, Senior Advocate with Ms. M. Begum, Ms. Avneet Kaur, Mr. Ishaan Jain, Mr. Surya Pratap Singh, Mr. Summit Singh and Mr. Nishant, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Kiran Bairwa, APP for the State with SI Vikas Fageria and SI Jay Prakash, PS Rajouri Garden.

+ **BAIL APPLN. 2737/2025 & CRL.M.A. 21351/2025**

SANGEETA

.....Applicant

Through: Mr. Ramesh Gupta, Senior Advocate with Ms. M. Begum, Ms. Avneet Kaur, Mr. Ishaan Jain, Mr. Surya Pratap Singh, Mr. Summit Singh and Mr. Nishant, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Kiran Bairwa, APP for the State with SI Vikas Fageria and SI Jay Prakash, PS Rajouri Garden.

+ **BAIL APPLN. 2753/2025 & CRL.M.A. 21398/2025**

RAM KUMAR

.....Applicant



Through: Mr. Ramesh Gupta, Senior Advocate with Ms. M. Begum, Ms. Avneet Kaur, Mr. Ishaan Jain, Mr. Surya Pratap Singh, Mr. Summit Singh and Mr. Nishant, Advs.

versus

THE STATE NCT OF DELHIRespondent
Through: Ms. Kiran Bairwa, APP for the State with SI Vikas Fageria and SI Jay Prakash, PS Rajouri Garden.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

06.08.2025

%

1. By the present bail applications, the applicants seek pre-arrest bail in FIR No. 1088/2021 dated 23.12.2021, registered at Police Station Rajouri Garden, for offences under Sections 365/367/368/307/506/34/120B of the Indian Penal Code, 1860.
2. The present FIR was registered on a complaint given by the complainant/ victim. It was stated that around three years earlier he had befriended a girl, namely Maneka. It was stated that the victim and Maneka were in relationship and wanted to get married. However, Maneka's family was against the same.
3. Allegedly, on 22.12.2021, some of the family members of Maneka, including the applicant Ram Kumar (*fufa* of Maneka), abducted the complainant / victim and Maneka and took them to their house in Sagarpur. In the house, the applicant Neelam (*bua* of Maneka) and the applicant Sangeeta (aunt of Maneka) were



present along with other accused persons, including, Maneka's grandmother and mother. It is alleged that all of them together gave beatings to the victim with sticks and belts.

4. It is further alleged that Maneka's grandmother shouted that the victim's genitals should be chopped off, pursuant to which Maneka's uncle Bhanu brought an axe from the inside of the house. It is alleged that the family members of Maneka then held down the victim, and Maneka's uncle Bhanu gave the blow which led to the dismembering of the victim's genitals.

5. The learned senior counsel for the applicants submits that the applicants are innocent and they have been falsely implicated in this case.

6. He submits that no active role has been attributed to the applicants and even otherwise, the victim has turned hostile which casts a doubt on the case of the prosecution.

7. He submits that many co-accused persons have already been enlarged on bail by this Court as well as the learned Trial Court.

8. He further submits that the applicants Neelam and Sangeeta are housewives and they were not aware of the proceedings, due to which, they were declared as absconders under Section 82 of the Code of Criminal Procedure, 1973. He submits that the applicant Ram Kumar is a distant relative of Maneka and he was under the belief that no further proceedings will continue as the victim had not supported the case of the prosecution.

9. *Per contra*, the learned Additional Public Prosecutor vehemently opposes the grant of any relief to the applicants on



account of the gravity of the allegations. She further submits that the applicants are not entitled to any relief as they have been declared as absconders.

10. I have heard the counsel and perused the record.

11. In the present case, it is apparent that the victim has not supported the allegations. It is pointed out that the evidence of the victim was recorded by the learned Juvenile Justice Board on 21.04.2023, where he denied that he has given any complaint to the Police in regard to the incident.

12. The statement of the victim was also recorded by the learned Trial Court on 25.11.2023, where he stated that four persons had misbehaved with his wife which had led to a quarrel and those persons had hit him on his head with the flower pot, due to which, he became unconscious. The victim deposed that he was not aware of anything that happened thereafter.

13. This Court, by separate judgments dated 19.02.2024, passed in BAIL APPLNs. 2725/2023, 3217/2023 and 3086/2023, has granted bail to the respective co-accused persons therein by noting that the victim has turned hostile. It was noted that while it is settled law that the corroborated part of the evidence of a hostile witness is to be treated as admissible, however, from the statement of the victim, the very foundation of the allegations becomes doubtful.

14. Subsequently, co-accused Kajal Rana (sister-in-law of Maneka) and Sahil (cousin of Maneka) were also granted bail by this Court on similar grounds.

15. The role assigned to the present applicants cannot be said to be graver than the accused persons, who have already been



admitted on bail.

16. While the considerations for grant of pre-arrest bail are materially different than those for grant of regular bail, at this stage, considering the facts of the present case, no purpose would be served by subjecting the applicants to undergo incarceration, especially since the victim has turned hostile. The purpose of custodial interrogation is to aid the investigation and is not punitive.

17. Although the applicants have been declared as absconders in terms of Section 82 of the Code of Criminal Procedure, 1973, however, it cannot be ignored that they have challenged the order by which they have been declared as such by way of separate petitions and notice has already been issued by this Court in the same. It has been pointed out that the applicants Neelam and Sangeeta, being housewives, were unaware of the proceedings and the applicant Ram Kumar was under the mistaken belief that no proceedings would continue as the victim had not supported the case of the prosecution. *Prima facie*, this Court finds merit in the explanation offered on behalf of the applicants and finds reason to believe that they did not intend to abscond from the proceedings.

18. This Court is cognizant of the fact that pre-arrest bail ought not to be granted in a routine manner to individuals who have been declared as absconders, however, considering the peculiar facts of the present case and that a number of co-accused persons have already been granted bail, in the opinion of this Court, the applicants have made out a *prima facie* case for grant of pre-arrest bail.



19. In view of the above, it is directed that in the event of arrest, the applicants shall be released on bail on furnishing a personal bond for a sum of ₹20,000/- each with two sureties each of the like amount, subject to the satisfaction of the concerned SHO, on the following conditions:

- a. The applicants shall not leave the country without the prior permission of the learned Trial Court;
- b. The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- c. The applicants shall appear before the learned Trial Court as and when directed;
- d. The applicants shall provide the addresses where they would be residing after their release and shall not change the addresses without informing the concerned IO/SHO;
- e. The applicants shall give their mobile numbers to the concerned IO/SHO and shall keep their mobile phones switched on at all times.

20. In the event of there being any violation of the stipulated conditions, it would be open to the State to seek redressal by filing application seeking cancellation of the bail.

21. It is clarified that the observations made in the present order are for the purpose of deciding the present pre-arrest bail applications, and should not influence the outcome of the Trial and should not be taken, as an expression of opinion, on the



merits of the case.

22. The present bail applications are allowed in the aforesaid terms.

23. A copy of this order be placed in all the matters.

AMIT MAHAJAN, J

AUGUST 6, 2025 / 'KDK'