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

+ **BAIL APPLN. 3277/2024**

PRINCE KUMAR

.....Petitioner

Through: Mr. Kanhaiya Singhal, Mr. Binwant Singh, Ms. Parul, Mr. Kuntal & Mr. Prashant Kumar, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP with Insp. Hitendra Kumar, PS Mangolpuri.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

10.02.2025

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1. This is a petition seeking bail in FIR No.1551/2021, registered under Section 365/34 IPC at PS Outer District Mangolpuri, Delhi.
2. As per the FIR, the complainant, Srimati Reshma made a complaint that her son Santosh left the house on 25.12.2021 and did not return home.
3. Based on the FIR, the petitioner was arrested from Gandhi Nagar on 03.01.2022 and on the alleged disclosure statement of the accused persons, the body of victim Santosh was found in a *nala* at Mangolpuri.
4. Charge-sheet has been filed, and thereafter, all material witnesses have been examined.
5. In the present case, there is no eye-witness of the incident. At best, this is a case of circumstantial evidence against the petitioner.



6. In the absence of 'time since death' in the post-mortem report, the exact time of death of the victim cannot be ascertained and hence, the last seen theory, if at all can be relied upon only after evidence.
7. As of today, the petitioner is an under-trial prisoner and there is a presumption of innocence in his favour. The nominal roll shows that as on 04.12.2024, the petitioner has already undergone 2 years 8 months and 4 days. Another period of 2 months have elapsed since the last date. There are no other pending cases against the petitioner and he has been granted interim bail twice, and on both occasions, he has surrendered in time.
8. The petitioner at the time of offence was 20 years of age and I am of the view that continued incarceration will expose the petitioner to other hardened criminals.
9. For the said reasons, the present petition is allowed and the applicant/petitioner is directed to be released on bail subject to the following terms and conditions:-
 - a. The petitioner shall furnish a personal bond in the sum of Rs 10,000 (Rupees ten thousand only) each with 1 surety in the like amount, to the satisfaction of the concerned trial court;
 - b. The petitioner shall not leave the country without the permission of the concerned court and if the petitioner has a passport, he shall surrender the same to the concerned trial court;
 - c. The petitioner shall furnish to the IO concerned the cell phone number on which the petitioner may be contacted



at any time and shall ensure that the number is kept active and switched on at all times;

- d. The petitioner will furnish his permanent address to the concerned IO and in case he changes his address, he will inform the IO concerned;
- e. The petitioner shall not indulge in any act or omission that is unlawful, illegal or that would prejudice the proceedings in pending cases, if any;
- f. The petitioner shall appear in Court on every date of hearing unless exempted;
- g. The petitioner shall not communicate with, or come into contact with the complainant or any of the prosecution witnesses, or tamper with the evidence of the case.

9. Nothing stated hereinabove shall tantamount to an expression of opinion on the merits of the case.

10. The petition stands disposed of in the aforesaid terms.

JASMEET SINGH, J

FEBRUARY 10, 2025/pratibha

Click here to check corrigendum, if any