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

+ **BAIL APPLN. 3475/2024**

RAVI DIWAKAR

.....Petitioner

Through: Mr. Rakesh Chahar, Ms. Sumita
Mann and Mr. Deepak Jain,
Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

12.03.2025

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1. By way of present application, the applicant seeks grant of regular bail in case arising out of FIR bearing no. 542/2021, dated 18.08.2021, registered at Police Station Prashant Vihar, Delhi for the offence punishable under Section 302/201/120B/34 of the Indian Penal Code, 1860 (hereafter 'IPC').

2. Briefly stated, the case of prosecution is that on 18.08.2021, on receipt of information at P.S. Prashant Vihar regarding an unidentified male dead body found at Vacant DDA ground of Sector 12, Rohini Delhi near Japani Park, Delhi, the police had reached the spot. A male dead body, aged about 30 years, was found lying in the bushes near the main wall of the vacant ground, which had multiple deep wounds on his body. During investigation, the victim was identified as Salman Ali. On 19.08.2021, the post-mortem of the deceased was conducted. During investigation, co-



accused persons namely, Pawan and Ravi Chauhan, were arrested by the police on 19.08.2021, and the applicant was arrested on 20.08.2021. The present applicant had disclosed during his interrogation that his friend i.e. co-accused Pawan was working in a company namely, Radhika International Pvt. Ltd., as an accountant, and the deceased Salman Ali was working in the Housekeeping department of the same company. Some differences had arisen between Pawan and the deceased, and therefore, he had decided to kill him. Co-accused Pawan had also included the present applicant and co-accused Ravi Chauhan in the commission of offence. According to their plan, they had met the deceased on 17.08.2021 at Metro Walk, Sector 10, Rohini. The deceased used to run an E-Rickshaw as a part time job after his office hours. All the accused persons had switched off their mobile phones, and they had gone to vacant DDA park with the deceased. Allegedly, the present applicant along with Pawan had left co-accused Ravi at the gate of the park to give them a signal in case somebody enters the park. Thereafter, they had murdered the deceased with the help of a brick, electric wire and knives and had disposed of the body in the bushes. They had taken their mobile phones along with the mobile phone of the deceased as they had blood stains on their clothes and hands. After completion of investigation, chargesheet was filed before the concerned Court.

3. The learned counsel appearing for the applicant argues that the present applicant has been falsely implicated in the present case. It is argued that the case is based on circumstantial evidence, and there is no eye-witness to the alleged incident which supports the case of prosecution qua the applicant. It is also stated that the material witnesses in this case have already been examined before the learned Trial Court. It is further contended



that the applicant was the friend of the deceased and therefore, the fact that there were some telephone call exchanged between them – in case the investigation has revealed exchange of some phone calls between the deceased and the accused – does not necessary lead to the conclusion that he was involved in the offence in question. The learned counsel for the applicant also submits that there is no previous involvement of the applicant in any case and therefore, he be released on regular bail.

4. The learned APP for the State, on the other hand, argues that the allegations against the applicant are grave and serious in nature, and there is sufficient evidence on record to connect the present applicant with the offence in question, and therefore, the application for grant of bail be rejected.

5. This Court has heard arguments addressed on behalf of both the parties and has perused the material available on record.

6. After hearing arguments and going through the case file, this Court is of the opinion that the record reveals that pursuant to the disclosure statement of the accused and the co-accused, following recoveries were affected at his instance:

- (i) Blue colour bag of deceased containing RC of E-Rickshaw of deceased along with Techno Black colour mobile phone of deceased
- (ii) ₹47,000/- out of ₹ 50,000/- which were given to the applicant by the co-accused Pawan for helping him in the murder of the deceased
- (iii) One blood-stained knife, one blood-stained handkerchief and one pair of blood-stained surgical gloves which were used by



the applicant for committing murder of deceased with the help of his associates

- (iv) Dark blue colour T-shirt and black colour jeans which were changed by the applicant after murder of deceased, and
- (v) Shoes which were worn by the applicant at the time of murder of deceased.

7. The post-mortem report of the deceased in this case clearly reflects the manner in which the applicant, alongwith co-accused persons, had allegedly murdered the deceased by causing him multiple injuries. The post-mortem report opined as follows: *“death was due to hemorrhagic shock consequent to multiple injuries to the body. All injuries were ante-mortem and fresh before death. Injuries no. - 1 to 3, 5, 8, 12, 13 and 18 were caused by a sharp-edged weapon. Rest of the injuries could be caused by blunt/semi sharp weapon. Injuries no.- 2, 3, 5,8, 18 individually as well as combined with other Injuries were sufficient to cause death in the ordinary course of nature”*.

8. The FSL report in this case supports the prosecution’s case as the blood stains on the knife, and clothes worn by the applicant, which were seized at his instance, have matched. The Call Detail Records (CDR) also reveal that the present applicant was in constant touch with the co-accused Ravi Chauhan, and the CCTV footage of the wine shop also reveals that the present applicant and co-accused Ravi Chauhan were present and had bought wine from the wine shop, which corroborates the disclosure statement of the co-accused and the present applicant – that they had bought and consumed liquor with the deceased. As per the CDR, the mobile phones of all accused persons were switched off at the time of incident, which also



corroborates the disclosure statement of the accused persons that they had switched off their mobile phones at the time of offence, in a pre-planned manner, to execute the murder.

9. This Court further notes that out of 35 prosecution witnesses, 08 witnesses have been examined so far, who have supported the case of the prosecution. The FSL report, the CCTV footage and the CDR also supports the prosecution's case. Considering the overall facts and circumstance of the case, no ground for grant of bail is made out at this stage.

10. Accordingly, the present application stands dismissed.

11. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

12. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MARCH 12, 2025/ns

[Click here to check corrigendum, if any](#)