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

+ **BAIL APPLN. 3992/2025**

SUNIL KUMAR

.....Petitioner

Through: Mr. Suresh Chandra Sati, Mr. Vinod
Kumar & Ms. Nalini, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for State

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

03.12.2025

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1. By way of the present application, the applicant is seeking grant of regular bail in case arising out of FIR bearing no. 524/2023 registered at Police Station Khajuri Khas, Delhi, for the commission of offence punishable under Section 302 of Indian Penal Code, 1860 (hereafter 'IPC').

2. Briefly stated, facts of the present case are that upon receipt of a DD entry, police officials had reached the spot, where the door of the house was found locked from outside. The landlord Manoj Kumar had broken open the lock at the request of complainant 'S', aged about 15 years, who was the daughter of the deceased. Inside the room, the deceased was found lying face-down under the bed, bleeding from her mouth, nose and ears, with a *chunni* wrapped around her neck. During enquiry, complainant 'S' disclosed that frequent quarrels used to take place between her mother and the accused (complainant's step father), primarily on account of the deceased's interaction with one Rinku, to which the accused had strong objections. She



further stated that on 15.09.2023 at about 8 PM, another quarrel had taken place, after which the complainant had stayed at the house of her neighbour. On 16.09.2023, the accused was seen sitting outside the locked room with mobile phones and had falsely informed that the deceased had gone somewhere. The accused had not returned home that night. Consequently, the present FIR under Section 302 of IPC had been registered on 18.09.2023. During the course of investigation, the Investigating Officer had inspected the scene with the Crime Team and FSL experts, and had got the post-mortem conducted at GTB Hospital, Delhi. The present applicant/accused was arrested on 19.09.2023.

3. The learned counsel appearing for the applicant argues that the learned Trial Court erred in rejecting the bail application without appreciating that the applicant, being an undertrial, is entitled to the presumption of innocence and that the case rests entirely on circumstantial evidence with no eyewitness to the alleged offence. It is argued that the applicant has been in judicial custody since 19.09.2023, i.e., for over two years. The learned counsel argues that only three out of thirty-five prosecution witnesses have been examined so far. It is also contended that the lock of the room where the deceased was found, had been broken by the landlord, Manoj Kumar, at the instance of the complainant before the arrival of the police, which creates a possibility of tampering with the crime scene, and that the I.O. had failed to record any statement explaining the urgency of such action. It is further argued that reliance on the complainant's statement that the applicant was seen with two mobile phones, including that of the deceased, is contradicted by the seizure memo which shows recovery of only one phone from the applicant. It is therefore prayed that the applicant



herein be granted regular bail.

4. The learned APP for the State, on the other hand, argues that the daughter of the deceased, who is also the complainant, has fully supported the prosecution case and has already been examined before the learned Trial Court, and she has clearly deposed about the frequent quarrels between the accused and the deceased as well as the events preceding the death. It is contended that the recovery of the *chunni* used in the offence and the bloodstained clothes of the accused pursuant to his disclosure statement strongly connect him with the alleged offence. It is also stated that the motive, arising from the accused's suspicion over the deceased's relationship with one Rinku, also stands established. It is argued that considering the seriousness of the offence under Section 302 of IPC and in view of the fact that material witnesses are yet to be examined, the present bail application deserves to be dismissed.

5. This Court has **heard** arguments addressed by learned counsel for the applicant and learned APP for the State, and has perused the material on record.

6. At the outset, it may be noted that after hearing arguments, this Court had expressed its disinclination to grant bail to the applicant. However, learned counsel for the applicant submitted that if the Court was not inclined to allow the application, a detailed and reasoned order be passed. At his insistence, this Court has carefully examined the material on record, the statements of the witnesses, and the rival contentions.

7. The allegations, in brief, against the applicant are that he had murdered his wife, Smt. Dropati, inside their rented room at Khajuri Khas



by strangulating her with a *chunni*. The deceased was later found dead under the bed with injuries on her face and neck. The prosecution alleges that the accused was last seen outside the locked room after a quarrel with the deceased and that he had thereafter fled from the spot.

8. This Court has perused the testimony of the complainant 'S', who is the daughter of the deceased and the accused. The record shows that the complainant has supported the prosecution case and given a clear and consistent narration of events. She has deposed that on 16.09.2023, when she returned home, the accused (her step-father) was sitting outside the locked house and told her that her mother had gone somewhere. In reality, the deceased was lying dead under the bed inside the room at that time. The accused thereafter had locked the premises and left. The complainant waited outside, but neither her mother nor the accused returned. Later, the landlord broke open the lock and the deceased was found lying dead under the bed, with blood on her head. Her testimony also mentions frequent quarrels between the accused and the deceased regarding her phone conversations with one Rinku. Before the learned Trial Court, the complainant has identified photographs of the room, the broken lock and the condition in which the body was found.

9. This Court also takes note of the fact that though the learned counsel for the applicant argued that there were discrepancies in the statement of PW-2, it is pertinent to note that the learned counsel himself did not cross-examine the said witness i.e. PW-2, who is the daughter of the deceased and the applicant, before the Trial Court. Therefore, at this stage, there is no occasion for this Court to reach the conclusion that there are any



discrepancies in her statement(s), of such nature, which will entitle the applicant to grant of bail.

10. This Court also notes that the medical evidence supports the prosecution's case. The post-mortem report records multiple injuries, including head trauma and signs of strangulation. It is relevant to note that at the instance of the applicant, a blood stained hammer and blood stained clothes (shirt and jeans) were recovered from the almirah of his room.

11. This Court further notes that the CDR analysis shows frequent calls exchanged between the deceased and one Rinku, which *prima facie* supports the prosecution's allegation that the applicant harboured suspicion and resentment towards his wife on this account, thereby providing a possible motive for the commission of the offence.

12. In this Court's opinion, the material on record *prima facie* shows that immediately after the incident, the accused had misled his minor daughter by telling her that the deceased had gone somewhere, despite allegedly knowing that her body was lying under the bed inside the locked room. The applicant thereafter had locked the premises from outside and absconded, leaving the child alone without any explanation or support. The record further indicates that the applicant fled to Uttar Pradesh after the incident and allegedly discarded both his mobile phone and the key of the premises.

13. Thus, considering the overall facts and circumstances of the case, the nature and gravity of the offence, the conduct of the accused, and the stage of the trial where several prosecution witnesses are yet to be examined, this Court is not inclined to grant bail to the present applicant/accused.

14. Accordingly, the present bail application is dismissed.



15. It is however clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

16. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

DECEMBER 03, 2025/sk
T.S./T.D.