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

+ **BAIL APPLN. 4224/2024**

LALIT

.....Petitioner

Through: Mr. Amit Kumar Jha, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Aman Usman, APP with Insp.
Daleep Kumar, AEKC Crime Branch.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

17.04.2025

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1. This is an application for grant of regular bail to the applicant/accused, Lalit in case FIR No. 480/2017 registered under Sections 302/363 IPC at PS-Bhajanpura.
2. Learned counsel appearing on behalf of applicant/accused submits that there is no direct evidence against him and he has been arrested only on the basis of the CCTV footage. He further submits that applicant/accused has been in custody since last seven years and eight months and till date only 26 out of 44 witnesses, cited by the prosecution have been examined and thus, there is no possibility of conclusion of trial in the near future. He submits that only Police witnesses are left to be examined and thus there is no possibility of influencing or tampering with the evidence.
3. The bail application has been vehemently opposed by learned APP appearing for the State, submitting that the case is based on the



circumstantial evidence. Applicant is accused in kidnapping and murder of a minor child, who was his brother-in-law. He submits that there is strong evidence against the applicant/accused inasmuch as all the material witnesses have supported the prosecution version. He further submits that while being on interim bail, the applicant/accused has misused the liberty granted to him inasmuch as during such period, an FIR was registered against him being FIR No. 395/2020 under Section 195A IPC, PS-Bhajanpura for trying to influence the witnesses. It is argued that allegations are grave and serious in nature and applicant/accused is, therefore, not entitled for grant of bail.

4. In rebuttal, learned counsel for petitioner submits that applicant/accused has been discharged under Section 195A IPC and charge has been framed only under Section 506 IPC.

5. As per the factual background, on 15.08.2017, complainant Vidya Prakash lodged a complaint that his son, aged about eleven years was missing from home. He suspected that he might have been kidnapped by his son-in-law, who is the applicant/accused herein. On such complaint, FIR was registered under Section 363 IPC.

6. During investigation, police recorded the statement of last seen witness, Smt. Sushila, who submitted that she had last seen the victim riding pillion on the motorcycle of applicant/accused. In the CCTV footage, victim was seen riding pillion with the applicant/accused on his motorcycle. The applicant/accused was arrested by the Police. The dead body of the victim was recovered at the instance of applicant/accused from Alipur Jungle area. The rope used in the commission of crime was also recovered from the spot.

7. The post mortem report confirmed that the cause of death was



asphyxia as a result of antemortem ligature strangulation. The ligature marks corresponds with the ligature marks present on neck.

8. During investigation, it was found that motor cycle on which the applicant/accused had taken the victim was in the name of father of the applicant/accused. Location of mobile phone used by the applicant/accused confirms his presence at the place of the incident at the relevant time.

9. During investigation, Police also recorded the statement of one Rambeer, who is also the witness of last seen. He had seen the victim on the bike of the applicant/accused. The statement of one Mahan Goswami, was also recorded, who stated that applicant had called him and told that if anybody asks about his whereabouts between 04:00 PM-06:00 PM, he should say that applicant was with him. The said conversation was also recorded on the mobile phone of Mahan Goswami.

10. Even though at this stage, probity/evidentiary value of the testimonies of the witnesses recorded in the Court may not be evaluated meticulously, but as seen from the record, such witnesses have by and large supported the prosecution version. It has also come on record that applicant/accused misused the liberty granted to him during interim bail by trying to influence the witnesses resulting in the registration of FIR against him during such period.

11. Admittedly, the applicant/accused has been in long custody for seven years and eight months, but the same cannot be the sole ground for grant of bail.

12. Hence, considering the totality of the facts and circumstances and the nature and quality of evidence against applicant/accused, and the severity of punishment, I am not inclined to grant bail to the applicant/accused.



13. It is made clear that any observations made in this order is only for the purpose of the adjudication of bail application and shall not come in the way of decision on merits during trial.

14. The bail application is accordingly dismissed.

15. However, keeping in view that applicant/accused is in custody for more than seven years, learned trial Court is requested to make all best possible endeavor to examine the remaining witnesses at the earliest and dispose of the case expeditiously.

RAVINDER DUDEJA, J

APRIL 17, 2025/vd