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

+ **BAIL APPLN. 4251/2024**

URMILA

.....Petitioner

Through: Mr. Vikas Khatri and Mr. Manas
Khatri, Advocates.

versus

STATE THRU SHO PS DBG ROAD

.....Respondent

Through: Mr. Manoj Pant, ASC for State along
with SI Nisha, P.S. Mohan Garden.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

12.02.2025

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1. The present bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereafter 'BNSS') has been filed on behalf of the applicant, seeking grant of regular bail in case arising out of FIR bearing no. 34/2019, registered at Police Station DBG Road, New Delhi, for offences punishable under Sections 302/404/201/120-B/34 of the Indian Penal Code, 1860 (hereafter 'IPC').

2. Briefly stated the facts of the case are that the present FIR was registered pursuant to an information received on 25.01.2019 *vide* DD No.14-A regarding a dead body being found behind a CNG pump, near Arya Samaj Mandir. The deceased was identified as Roshna @ Rekha during investigation, who had been missing from her home since the night of 24.01.2019. During the course of investigation, the post-mortem of the



deceased Roshna@Rekha was conducted *vide* post-mortem No-34/19 dated 25.01.2019 at LHMC Delhi. As per the postmortem report, the cause of death is “Asphyxia as a result of homicidal manual strangulation and traumatic asphyxia”. During further investigation, the mother of the deceased had informed the police that on 24.01.2019, the accused Urmila, who is her neighbour had called the deceased to her home to clear the accounts of money, which accused Urmila had borrowed from the deceased. It is alleged that accused Urmila had taken Rs.14,00,000/- from the deceased on interest and was unable to repay the same. The deceased was mounting pressure on her to repay the loan and, therefore, the deceased was threatened to be killed by the son of accused Urmila. It is alleged that Urmila and her son had hatched a conspiracy to kill the deceased at her house. Therefore, on 24.01.2019, Urmila had called the deceased to her home, where CCL ‘S’ and co-accused Hemant were already present and when the deceased reached there, they had murdered her by strangulating her. Thereafter, her body was disposed of in a deserted place on the scooty, which belonged to the co-accused Hemant Jain. All the accused persons were arrested and after completion of investigation, charge-sheet was filed.

3. The learned counsel appearing for the applicant argues that the applicant has been falsely implicated in this case. It is stated that the applicant is in judicial custody since the year 2019; however, the trial will take time to conclude. The learned counsel also states that the evidence in this case is circumstantial in nature. It is also argued that there is no eye witness to the alleged offence, either of murder or of disposing of the dead body of the deceased. The CCTV footage has also not disclosed any incriminating evidence against the present applicant. It is further contended



that all the co-accused persons have been granted bail and the main witnesses have been examined. Therefore, it is prayed that bail be granted to the present applicant as well.

4. The learned APP for the State, on the other hand, argues that the allegations in the present case are serious in nature. It is argued that recovery in this case and other circumstances point towards the guilt of the applicant who is the main accused and, therefore, bail be rejected.

5. This Court has heard arguments addressed on behalf of both the parties and has gone through the material placed on record.

6. Having heard the learned counsel for the parties and gone through the record, this Court is of the opinion that admittedly, there is no direct evidence in the present case and the charge-sheet was filed on the basis of circumstantial evidence. While it is admitted that there is no eye witness to the alleged incident and the commission of the offence, all the material witnesses in this case have been examined. Moreover, all the other co-accused persons have already been released on bail by the Coordinate Bench of this Court. Since the material witnesses already stand examined, there is no likelihood of the applicant influencing them. Needless to state, the trial will take time to conclude and the applicant has been in judicial custody since the year 2019.

7. Considering the overall facts and circumstances of the case, this Court is inclined to release the applicant on bail on her furnishing a personal bond in the sum of ₹25,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court / Duty MM / Link MM, on the following conditions:

- i. The applicant 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;

- ii. The applicant shall under no circumstance leave the country without the permission of the learned Trial Court;
 - iii. The applicant shall appear before the learned Trial Court as and when directed;
 - iv. d. The applicant shall provide the address where she would be residing after her release and shall not change the address without informing the concerned IO/ SHO;
 - v. The applicant shall, upon her release, give her mobile number to the concerned IO/SHO and shall keep her mobile phone switched on at all times.
8. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.
9. The bail application is allowed in the aforementioned terms
10. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

FEBRUARY 12, 2025/A