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

% *Date of decision: 10th January, 2025*

+ **BAIL APPLN. 4495/2024**

URMILA

.....Petitioner

Through: Mr. Manish Yadav & Mr. Himanshu
Chand, Advocates

Versus

GOVT OF NCT OF DELHI

.....Respondent

Through: Ms. Meenakshi Dahiya, Additional
Public Prosecutor for Respondent-
State with Inspector Chotte Lal

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

JUDGMENT (oral)

1. The present Bail Application under Section 439 of Code of Criminal Procedure ('Cr.P.C.') has been filed for grant of bail in FIR No.238/2018, registered at Police Station Sarai Rohilla, New Delhi for the offences under Sections 302/120B/34 of *Indian Penal Code, 1860* ('IPC' hereinafter).
2. It is submitted that the Petitioner is the daughter-in-law and a widow of the elder son of the deceased (mother-in-law), having three minor children, who are totally dependent upon her. The Petitioner along with her husband and three sons was residing on the first floor of the *Jhuggi* and the deceased (mother-in-law) along with her younger son was residing on the ground floor of the *Jhuggi*.
3. The FIR in question was registered at the instance of a neighbour deceased Abdul Salam (PW-2) and after the investigation, the Petitioner and other co-accused were arrested.

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4. It is submitted that there is no evidence whatsoever against her, except the Disclosure Statement and the circumstantial evidence by way of statement of witnesses. She was arrested on 26.02.2018 on the basis of statement of one Mohd. Mumtaz who had allegedly seen the brother of Petitioner, namely, Rohit one day prior to the day when the deceased was found dead on 19.06.2018.

5. Learned Counsel for the Petitioner has further argued that admittedly the Petitioner was not present at the scene of crime and the only incriminating evidence is the CDR record to show that she was in touch with Rohit, who is none other than her own brother and it cannot be taken as a suspicious circumstance. There is no cogent evidence against the Petitioner nor there is any recovery.

6. It is submitted that the Charge Sheet has already been filed and the testimony of only one formal witness is left to be examined. It is submitted that the Petitioner is in jail for last four years and no purpose would be served in keeping her in Jail. Moreover, her brother Rohit has already been admitted to bail by this Court vide order dated 24.02.2024.

7. *Learned Additional Public Prosecutor for Respondent-State* has argued that out of twenty seven witnesses, seven have been examined.

8. **Submissions heard and Status Report Perused.**

9. Pertinently, out of twenty seven witnesses cited by the Prosecution, seven witnesses have been already examined and five witnesses have been dropped by the Prosecution. The allegations against the Petitioner are of hatching a conspiracy with her brother Rohit to kill her mother-in-law, who has already been admitted to bail by this Court *vide* Order dated 24.02.2024. The Petitioner is in Jail for last four years and it will take substantial time to



conclude the trial.

10. In view of the above, the Petitioner is admitted to bail on the following conditions:-

- a) The Petitioner/Accused shall furnish a bail bond in the sum of Rs.20,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.
- b) The Petitioner/Accused shall appear before the Court as and when the matter is taken up for hearing.
- c) The Petitioner/Accused shall provide mobile number to the IO concerned which shall be kept in working condition at all times and she shall not change the mobile number, without prior intimate to the Investigating Officer concerned.
- d) The Petitioner/Accused shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.
- f) The Petitioner/Accused shall not change his residential address and in case of change of the residential address, the same shall be intimated to this Court, by way of affidavit.

11. A copy of this Order be communicated to the concerned Jail Superintendent as well as to the learned Trial Court.

12. The Bail Application and pending Application are accordingly disposed of.

**(NEENA BANSAL KRISHNA)
JUDGE**

JANUARY 10, 2025/r

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