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

+ **BAIL APPLN. 4642/2024, CRL.M.A. 38036/2024**

JYOTI PRAKASH

.....Petitioner

Through: Ms. Cauveri Birbal, Ms. Preksha
Gaur and Mr. Kamlendu Pandey,
Advocates.

Versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Yudhvair Singh Chauhan, Ld.
APP for the State with IO Ins. O.P.
Vishnoi P.S. Najafgarh.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

05.05.2025

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1. A Bail Application under Section 483 read with Section 528 of BNSS, 2023 has been filed on behalf of the Petitioner seeking Regular Bail in case FIR No.247/2017 under Section 302/34 IPC registered at Police Station Najafgarh.

2. It is submitted that the Applicant was arrested on 17.08.2017 and he is in JC since 20.08.2017. He has been implicated falsely in this case as there is not an iota of evidence in regard to his involvement in the alleged crime.

3. *Briefly stated*, on 17.08.2017 the dead body of a female aged about 35 years was found lying in the courtyard of a house. The Applicant was found present at the spot who revealed that he along with his Uncle/*Chacha* Ravi



Shankar had murdered their *Chachi* Neelam by strangulating her with her *Duppatta* as she was responsible for defaming the family by eloping with some person. No eye witness was found at the spot. The investigations were done and the Chargesheet was filed. It is asserted that the entire prosecution case rests on circumstantial evidence.

4. PW2 Ram Nath and all other material witnesses have been examined and the remaining witnesses are Police witnesses/formal witnesses. The First bail Application preferred before the learned Trial Court was dismissed on 07.06.2024.

5. It is submitted that the Applicant has been maintaining good conduct inside the Jail. He has responsibility of his wife and four minor children in addition to two minor children of his Chacha Ravi Shankar. The entire family is dependent upon the Applicant for the basic needs, he being the sole bread earner. There were 27 witnesses of the Prosecution, out of which 19 have already been recorded. The CCTV footage collected from Branch Manager, YES Bank India is not supported by Certificate under Section 65B of Indian Evidence Act. Further, merely being seen in the CCTV footage does not lead to any inference of murder been committed by the Applicant. There is no eye witness to the entire incident. The Applicant is a respectable and law abiding citizen having deep roots in the Society. A prayer is, therefore, made that he be granted Bail.

6. A **Status Report** has been filed on behalf of the State detailing all the investigations done which resulted in filing of the Chargesheet. It is submitted that the offence committed is heinous and if Bail is granted it is likelihood of his inducing, threatening or promising any persons acquainted with the facts of the case who has to dissuade them from disclosing the facts



in the Court. Possibility of the Accused absconding cannot be ruled out. He may commit an offence, if granted Bail. Learned APP for the State has further submitted that there is FSL Report, which clearly indicted the Applicant. Hence, the Bail Application is opposed.

7. Submissions heard and record perused.

8. The Applicant is in Judicial Custody since 20.08.2017. The Prosecution has already recorded 19 witnesses out of 27 witnesses, which includes the material witnesses. The apprehension expressed by the Prosecution is only that he may threaten the witnesses, but that has become redundant as the public witnesses all stands recorded. The trial is pending since last seven years and is likely to take some more time for conclusion.

9. Considering the totality of circumstances, the accused is granted Regular Bail, on the following terms and conditions:

- a) The petitioner/accused shall furnish a personal bond of Rs.30,000/- 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 his mobile number/changed mobile number to the IO concerned which shall be kept in working condition at all times;
- d) The petitioner/accused shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses.
- e) In case the petitioner/accused changes their residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.



10. The copy of this Order be communicated to the concerned Jail Superintendent as well as to the learned Trial Court.
11. The above Bail Application is accordingly disposed of.

NEENA BANSAL KRISHNA, J

MAY 5, 2025/va