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

+ **BAIL APPLN. 4736/2024**

PRIYANKA ALIAS ANNIE

.....Petitioner

Through: Mr. Siddharth Pandit, Mr. Vipin Kumar, Mr. Amit Kumar and Mr. Arun Bhardwaj, Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Ms. Meenakshi Dahiya, APP for the State with Inspector Kuldeep Singh, PS Kotwali.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

07.02.2025

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1. First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) has been filed on behalf of the Petitioner, Priyanka @ Annie for grant of Regular Bail in Case FIR No. 38/2024 under Section 302/201/34 of the *Indian Penal Code, 1860* registered at Police Station Kotwali, New Delhi.
2. It is submitted that the Applicant has been falsely implicated in this case and arrested on 16.01.2024. The investigations stand completed and the Charge-Sheet has also been filed. The Charges are yet to be framed. There is not a single piece of evidence, whether oral or documentary, annexed by the prosecution in the Charge-Sheet, pointing towards the guilt of the Applicant. Only on the basis of a disclosure statement of the co-accused, the Applicant



has been arrested. The Police has totally failed to cite any kind of transaction between the deceased and the Applicant, to prove the motive for murder.

3. The prosecution has relied on CCTV footage of the place of incidence and has claimed that the Applicant is clearly visible but the true fact is that she is nowhere visible in the CCTV footage.

4. The Police had failed to prove the presence of the Applicant at the place on incident and mere disclosure statement of co-accused cannot be considered as sufficient evidence for her arrest. There is no connecting evidence linking the Applicant along with the other co-accused persons to the commission of offence. There is no eye witness to the entire incident.

5. The Applicant is a lady who is in judicial custody since 16.01.2024. There are no chances of her hampering investigation or tampering with the prosecution evidence or influencing any of the witnesses. She has no prior involvement in any case. Hence, the Regular Bail is sought.

6. **Learned APP for the State** has contested the Bail Application and has claimed that the Applicant along with the other two co-accused namely, Paramveer Singh @ Naman @ James and Vipin, had actively conspired and killed Sh. Hitender by strangulating him with a bed sheet. Thereafter, they called three other persons, namely, Harneet Singh, Gullu and Rajat for disposing off the dead body.

7. There are CDR Call records, as well as CCTV footage, which establishes the presence of the Applicant at the scene of crime at the time of its commission.

8. It is further submitted that Harneet Singh, to whom the Bail has been granted, was only involved in the offence under Section 201 IPC for disposal of body and there can be no parity claimed between him and the



Applicant, who is one of the co-accused. It is, therefore, submitted that the Bail Application be dismissed.

9. Submissions heard and the record perused.

10. According to the Prosecution, the Applicant, who is a 28 year old woman, along with the other two co-accused persons, Paramveer Singh @ Naman @ James and Vipin, entered into a conspiracy, and on 09.01.2024 strangled the deceased Sh. Hitender with a bed sheet and thereafter, disposed off the body.

11. It is not in dispute that the Charge Sheet already stands filed. The evidence against the Applicant is essentially in the nature of disclosure statement, last scene evidence, CCTV camera footage and CDR Call Records. The Applicant is a lady of 28 years old, who is in judicial custody since 16.01.2024.

12. Considering the totality of the circumstances, the Petitioner is admitted on Regular Bail, on the following conditions:-

- a) The Petitioner/Accused shall furnish a bail bond in the sum of Rs.35,000/- 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;.
- d) The Petitioner/Accused shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses;
- e) In case of change of the residential address, the same



shall be intimated to this Court and in the Police Station, by the
Petitioner.

13. A copy of this Order be communicated to the concerned Jail
Superintendent as well as to the learned Trial Court, for compliance.

14. The Bail Application is accordingly disposed of.

NEENA BANSAL KRISHNA, J

FEBRUARY 7, 2025/RS