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

+ **BAIL APPLN. 22/2025**

RAVI THR. PAIROKAR

.....Petitioner

Through: Mr. Manoj Singh & Mr. Sachin
Chaudhary, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Meenakshi Dahiya, APP for
State.

Insp. Manish Bhati, PS Bhalswa
Dairy, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

14.02.2025

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CRL.M.A. 115/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. The Application is disposed of.

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3. The present Bail Petition under Section 439 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) read with Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the Petitioner seeking Regular Bail in FIR No. 415/2018 under Section 302 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) registered at Police Station Bhalswa Dairy, Delhi.
4. It is submitted in the Petition that the Petitioner was arrested in this case on 13.08.2018. The Chargesheet under Section 173 of Cr.P.C., 1973 has been filed before the learned Trial Court on 11.11.2018. The Charge



under Section 302 of IPC, 1860 has also been framed by the learned Trial Court.

5. It is further submitted that the Petitioner was granted Interim Bail *vide* Order dated 15.10.2020 by the learned Trial Court in terms of the Administrative directions issued by the High-Powered Committee (HPC) on 18.05.2020 on account of COVID-19 Pandemic and the same was extended from time to time. The Petitioner eventually surrendered himself without any default in terms of Guidelines of HPC.

6. It is also submitted that an Application under Section 439 of Cr.P.C., 1973 was filed on behalf of the Petitioner for grant of Regular Bail, however, the same had been dismissed by the learned Trial Court *vide* Order dated 21.12.2023.

7. It is asserted on behalf of the Petitioner that as per the FIR, on 11.08.2018, a PCR call was received at around 02:15 P.M., wherein it was stated that a woman has committed suicide. Thereafter, the present FIR under Section 302 of IPC, 1860 had been registered on 11.08.2018.

8. It is submitted that the entire case of the prosecution is based on “*last seen theory*” with not a single evidence against the Petitioner. The entire case against the Petitioner is based on that he was roaming around the house of the victim, which is natural being the neighbour of the victim and the same cannot be taken as an incriminating circumstance. Not a single credible evidence has been produced by the prosecution to link the Petitioner with the commission of offence.

9. It is further submitted that the evidence of 7 witnesses, out of 23 witnesses, has been recorded. The trial is likely to take a long time to get concluded.



10. Thus, it is submitted that the Petitioner may be admitted to Regular Bail.

11. ***The Status Report has been filed on behalf of the State***, wherein it is submitted that the present case is not based on “*last seen theory*” as averred on behalf of the Petitioner, but the same is based on evidence. Though initially an information of suicide was received, but on inspection it was found that deceased, Smt. Saraswati had been murdered.

12. Learned Additional Public Prosecutor submits that the case of the prosecution is that the Petitioner was having an illicit relationship with deceased, Smt. Saraswati and when she refused to continue the said relationship and started distancing herself from the Petitioner, he committed her murder.

13. It is argued that the offence involved in the present case is heinous and thus, the present Bail Petition has been opposed on behalf of the State.

14. **Submissions heard and record perused.**

15. Admittedly, the Petitioner is in Judicial Custody from 13.08.2018 i.e., more than six years, though he remained on Interim Bail during the COVID-19 Pandemic period as per the Guidelines issued by the HPC. The allegation against the Petitioner is of offence under Section 302 of IPC, 1860. The evidence is essentially circumstantial and based on “*last seen theory*” evidence.

16. The investigations are complete and the Chargesheet has also been filed before the learned Trial Court. The petitioner is in judicial custody from 13.08.2018. The Petitioner has no previous criminal antecedent.

17. Considering the totality of the circumstances as narrated above, the Petitioner is admitted to Regular Bail in FIR No. 415/2018 under Section



302 of IPC, 1860 upon his furnishing a personal bond in the sum of Rs. 25,000/- and one surety of the like amount to the satisfaction of the learned Trial Court, subject to the following conditions: -

- a) Petitioner shall not leave Delhi/NCR without prior permission of the Court;
- b) Petitioner shall appear before the Court as and when the matter is taken up for hearing;
- c) Petitioner shall provide his mobile number to the IO concerned, which shall be kept in working condition at all times and in case he changes the mobile number, he would intimate the Investigating Officer concerned;
- d) Petitioner shall inform the IO and the Jail Superintendent of the address where he shall be available in Delhi; and
- e) Petitioner shall not try to contact, threaten or influence any of the witnesses of this case.

18. The Registry is directed to communicate this Order to the learned Trial Court and as well as to the concerned Jail Superintendent.

19. Accordingly, the present Petition is disposed of.

NEENA BANSAL KRISHNA, J

FEBRUARY 14, 2025

S.Sharma