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

+ **BAIL APPLN. 121/2025**

ASHOK

.....Petitioner

Through: Mr. Yashwant, Mr. Durgesh Kr. Dwivedi, Mr. Rahul Raj, Ms. Aaruni Devansh, Mr. Satyam & Mr. Nehal Kashyap, Advocates.

versus

THE STATE THROUGH SHO P S SARAI ROHILLA (GOVT OF N C T DELHI)

.....Respondent

Through: Ms. Meenakshi Dahiya, APP for State.
Insp. Chote Lal, PS Sarai Rohilla, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

14.02.2025

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1. The present Bail Petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 read with Section 439 of the Code of Criminal Procedure, 1973 has been filed on behalf of the Petitioner seeking Regular Bail in FIR No. 238/2018 under Sections 302/120B/34 of the Indian Penal Code, 1860 registered at Police Station Sarai Rohilla, Delhi.
2. It is submitted in the Bail Petition that on 20.06.2018, a PCR call was received by the Police that a woman, Smt. Bhagwan Dei, has been murdered by strangulation at Jhuggi No. 66A, Jhakira, New Delhi.
3. The case of the prosecution is that Urmila (co-accused), daughter-in-



law of deceased, Smt. Bhagwan Dei, had an affair with the Petitioner and she conspired along with Rohit and his two associates for committing the murder of Smt. Bhagwan Dei. It is further the case of the prosecution that Rohit along with his two associates committed the murder. The role assigned to the Petitioner is of being a co-conspirator.

4. There are two witnesses relied upon by the prosecution against the Petitioner i.e., Mohd. Tawarak and Mohd Mumtaz who have died and are no longer available. There is no other evidence available against the Petitioner, except the mobile phone.

5. It is submitted that the entire prosecution case rests on the basis of circumstantial evidence, surmises and assumptions and has heavily relied on the extra-judicial confession of the two witnesses who have long been deceased.

6. It is further submitted that the Petitioner is in Judicial Custody from 20.06.2018 i.e., for more than six years. Out of 27 prosecution witnesses, only evidence of 7 witnesses has been recorded. The trial is likely to take a long to get concluded.

7. Moreover, the accused, Rohit, who has been named as the main person to commit murder of Smt. Bhagwan Dei, has already been granted Bail by this Court *vide* Order dated 28.02.2024.

8. Thus, it is submitted that the Petitioner may be granted Regular Bail.

9. ***The Status Report has been filed on behalf of the State***, wherein the present Bail Petition has been opposed on the ground that the offence committed in the present case is heinous in nature.

10. The Bail Petition has been further opposed on the ground that there is likelihood of the Petitioner to threaten the witnesses or to jump the Bail.



Moreover, the mobile phone used in the commission of offence has been recovered at the instance of the Petitioner.

11. It is submitted that as per record, there is no previous involvement of the Petitioner in commission of any offence.

12. The present Bail Petition has been opposed.

13. **Submissions heard and record perused.**

14. Though it is a case of Section 302 of IPC, 1860, but the allegations against the Petitioner are confined to be one of co-conspirator with Urmila and other co-accused Rohit with his two associates, committed the alleged murder of Smt. Bhagwan Dei.

15. Apparently, the witnesses i.e., Mohd. Tawarak and Mohd Mumtaz who had given the statement against the Petitioner, have already died.

16. The investigations are complete and the Chargesheet has also been filed before the learned Trial Court. The petitioner is in judicial custody from 20.06.2018. 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. 238/2018 under Sections 302/120B/34 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 further 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