



\$~6

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

+ **BAIL APPLN. 263/2025**

RITESH KUMAR

.....Petitioner

Through: Mr. AK Verma, Advocate with Mr.
TS Varun, Ms. Pooja, Advocates.

versus

THE STATE GOVT. OF N T OF DELHI AND ANR.

.....Respondents

Through: Mr. Manoj Pant, APP for State.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

11.03.2025

%

1. By way of this application, the applicant seeks grant of regular bail in case arising out of FIR bearing no. 0315/2021, registered at Police Station Narela Industrial Area, Delhi for offence punishable under Section 302 of the Indian Penal Code, 1860 (hereafter '*IPC*')
2. Briefly stated, facts of the present case are that on 19.04.2022, information *qua* a PCR call was received at P.S. Narela Industrial Area, Delhi *vide* DD no. 117A and 114A. In the said information, it was intimated that a person namely Chandan, aged about 25 years, had been thrown from the roof of a factory, located in Bawana. The police officials had reached the said factory where it was revealed that the victim had been taken to the Sandhyanshi Hospital, Delhi; and accordingly, the police officials had reached the said Hospital. However, the victim Chandan had been declared



brought dead by the doctors. It was revealed to the police officials that at around 3 PM on 19.04.2022, a scuffle had taken place between the deceased and the present applicant on the issue of preparing food and the applicant herein had threatened the victim with dire consequences. Again, at 5-5:30 PM, on 19.04.2022, they had started quarreling and the applicant had beaten the victim and had thrown him off the third floor/roof of the factory. It was further revealed by Adesh (the complainant) that the present applicant had thrown the deceased with an intention to kill him and had thereby caused his death. Subsequently, on the statement of Adesh, the present FIR was registered. During further investigation, on 20.04.2022, the applicant was apprehended and arrested.

3. The learned counsel appearing for the present accused/applicant argues that the applicant has been falsely implicated in this case and he has been in judicial custody since 20.04.2022. It is contended that no *prima facie* case is made out against the applicant, as there is no *iota* of evidence to suggest that the applicant has committed the alleged offence. It is argued that 11 out of total 26 prosecution witnesses have been examined in this case, including the 5 out of total 6 eye-witnesses, and they have not supported the case of prosecution. It is also argued that 3 out of 5 examined eye-witnesses have deposed that they were not present at the spot at the time of alleged incident, and 2 out of 5 examined eye-witnesses are not aware as to how the victim/deceased had fallen. Therefore, it is prayed that accused/applicant be granted regular bail.

4. The learned APP for the State, on the other hand, opposes the present application and argues that allegations against the accused are grave and serious in nature, and if released, the applicant herein may extend threats to



the prosecution witnesses.

5. This Court has heard arguments addressed by the learned counsel for both the parties and has perused the material on record.

6. This Court's attention has been drawn to the testimonies of Adesh (PW-2), Amodh (PW-3), Rajbir (PW-4), Bimlesh (PW-5) and Ram Rattan (PW-6), who are the alleged complainant/informant/eye-witnesses in this case. Clearly, the said witnesses have turned hostile and have not supported the case of prosecution. They have also not identified the present applicant, and rather, Adesh (PW-2), Amodh (PW-3), Rajbir (PW-4) have deposed that they were not present at the spot at the time of alleged incident and are not aware as to how the death of the victim was caused, whereas, Bimlesh (PW-5) and Ram Rattan (PW-6) have deposed that they had seen the victim lying injured and breathless, but they were not aware as to how the victim had fallen.

7. The applicant herein has been in judicial custody for about 02 years. Out of 26 prosecution witnesses, 11 have already been examined, including the eye-witnesses, who all have turned hostile. The trial will take some time to conclude.

8. Considering the overall facts and circumstances of the case, and for the reasons recorded hereinabove, this Court is inclined to grant regular bail to the applicant on his furnishing personal bond in the sum of Rs.20,000/- with surety of the like amount to the satisfaction of the Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i) The applicant shall surrender his passport and not leave the country without prior permission of the concerned Court.



- ii) The applicant shall not directly or indirectly make an attempt to influence the witnesses, or tamper with the evidence in any manner.
 - iii) The applicant shall share his mobile number with the concerned IO/SHO, and shall keep the same switch on/active at all times.
 - iv) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court.
 - v) The applicant shall appear regularly before the learned Trial Court.
9. Accordingly, the present application stands disposed of.
10. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.
11. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MARCH 11, 2025/vc

Click here to check corrigendum, if any