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

+ **BAIL APPLN. 558/2026**

RAJESH RAI

.....Petitioner

Through: **Ms. Malvika Kulkarni, Advocate.**

versus

STATE OF NCT OF DELHI

.....Respondent

Through: **Mr. Yudhvir Singh Chauhan, APP
for State with SI Dharmveer, P.S.
Dabri.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **04.05.2026**

1. By way of the present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant seeks regular bail in connection with FIR No. 570/2021 dated 27.07.2021, registered at Police Station Dabri, District Dwarka, Delhi, under Section 365 of the Indian Penal Code, 1860 ["IPC"].

2. I have heard Ms. Malvika Kulkarni, learned counsel for the applicant, and Mr. Yudhvir Singh Chauhan, learned Additional Public Prosecutor for the State. The prosecution has also filed a status report dated 06.04.2026, which is on record.

3. The prosecution case concerns the death of the applicant's wife. In the FIR, as initially registered at the instance of the brother of the deceased, it was recorded that she was missing. Her husband, the applicant herein, was traced in the course of investigation, and disclosed



that he had strangled the deceased on 12.06.2021, at a location near the Nainital-Haldwani Road. According to the disclosure statement, the dead body was abandoned under a culvert. The prosecution alleges that the body of the deceased was recovered in a decomposed condition from the spot pointed out by the applicant. The deceased was identified by her mother and brother on the basis of her clothes and anklet. DNA examination was also undertaken, which established the relationship between the deceased and her mother, thereby confirming her identity.

4. Upon completion of the investigation, a chargesheet was filed under Sections 365/302/201 of the IPC.

5. As far as the applicant is concerned, the prosecution case is that the deceased had earlier accused the applicant of rape, in which circumstances he married the deceased under compulsion. There were frequent quarrels between the applicant and the deceased. The applicant was the person last seen with the deceased, and it is on the basis of his disclosure statement, that the body of the deceased has been recovered.

6. In support of the present application, Ms. Kulkarni submits that the applicant has already been in custody for a substantial period of 4 years and 8 months. The evidence against him is based only on the basis of his disclosure statement. The trial is likely to take a fairly long period, as only 21 out of 32 witnesses have yet been examined. In these circumstances, she submits that the applicant be released on bail.

7. Mr. Chauhan, on the other hand, argued that the disclosure statement of the applicant is corroborated by the recovery of the deceased's body at his instance, and motive is also established through the facts mentioned in the status report. The last seen evidence, alongwith



the recovery and scientific evidence, according to him, establish the applicant's guilt. Mr. Chauhan has pointed out that one public witness, namely Surrender, who is required to testify with regard to the recovery of the body of the deceased, is also yet to testify.

8. Having heard learned counsel for the parties, I am of the view that this is not a fit case for the grant of bail to the applicant at this stage. The applicant's disclosure statement was followed by recovery of the body of the deceased, who was his wife. The fact that she had earlier filed an FIR against him [FIR No. 641/2020 registered at Police Station Dabri] for the offence of rape is also not disputed. Ms. Kulkarni submits that he has been acquitted in that case, as the prosecutrix had not been examined before her death. The judgment of the learned Sessions Court dated 16.02.2022 in proceedings arising out of FIR No. 641/2020, registered at Police Station Dabri, has also been placed on record.

9. Needless to say, the analysis of the evidence, including the probative value of the disclosure statement, is a matter of trial, but in the facts and circumstances of this case, I am of the view that the appropriate course is to direct the expeditious conclusion of the proceedings, rather than to release the applicant on bail, at this stage. A public witness, whose evidence concerns an important aspect of the case, i.e. recovery of the body of the deceased, is yet to give evidence. The allegations against the applicant are undoubtedly serious, and the *prima facie* material supports the prosecution case. The evidence of 21 prosecution witnesses out of 34 has already been recorded.

10. The bail application is, therefore, dismissed, but with a request to the learned Sessions Court to expedite the proceedings, in accordance



with its own Board and the age of matters pending before it.

11. It is made clear that this Court has not made any comment on the merits of the case.

PRATEEK JALAN, J

MAY 4, 2026

'sv/KA'/