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

+ **BAIL APPLN. 539/2026**

RAVI DIWAKAR

.....Petitioner

Through: Mr. Rakesh Chahar, Ms. Sumita Mann, Mr. Naveen Saini, Mr. Deepak Jain and Mr. Himanshu Nagpal, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

27.03.2026

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1. By way of the present application, the applicant is seeking grant of regular bail in case arising out of FIR bearing no. 542/2021, registered at Police Station Prashant Vihar, Delhi, for the commission of offences punishable under Sections 302/201/120B/34 of Indian Penal Code, 1860 (hereafter '*IPC*').

2. Briefly stated, the facts of the present case are that on 18.08.2021, an information regarding an unidentified male dead body lying in the vacant DDA ground, Sector-12, Rohini, near Japani Park, was received at Police Station Prashant Vihar which was recorded *vide* DD No. 26A. The police had reached the spot and had found a male corpse, aged about 30 years, bearing multiple deep injuries, lying in the bushes adjoining the boundary



wall. The District Crime Team and FSL Team had inspected the spot, photographs were taken, and all exhibits recovered from the scene were seized and deposited in the Malkhana. During the course of the investigation, the deceased was identified as Salman Ali @ Vicky. The body was preserved at BSA Hospital, where post-mortem was conducted on 19.08.2021 *vide* PM No. 542/21.

3. During investigation, co-accused persons namely, Pawan and Ravi Chauhan, were arrested by the police on 19.08.2021, and the applicant was arrested on 20.08.2021. The present applicant had disclosed during his interrogation that his friend i.e. co-accused Pawan was working in a company namely, Radhika International Pvt. Ltd., as an accountant, and the deceased Salman Ali was working in the Housekeeping department of the same company. Some differences had arisen between Pawan and the deceased, and therefore, he had decided to kill him. Co-accused Pawan had also included the present applicant and co-accused Ravi Chauhan in the commission of offence. According to their plan, they had met the deceased on 17.08.2021 at Metro Walk, Sector 10, Rohini. The deceased used to run an E-Rickshaw as a part time job after his office hours. All the accused persons had switched off their mobile phones, and they had gone to vacant DDA park with the deceased. Allegedly, the present applicant along with Pawan had left co-accused Ravi at the gate of the park to give them a signal in case somebody enters the park. Thereafter, they had murdered the deceased with the help of a brick, electric wire and knives and had disposed of the body in the bushes. They had taken their mobile phones along with the mobile phone of the deceased as they had blood stains on their clothes and hands. After completion of investigation, chargesheet was filed before



the concerned Court.

4. The learned counsel appearing for the applicant argues that the present applicant has been falsely implicated in the present case. It is argued that the case is based on circumstantial evidence, and there is no eye-witness to the alleged incident which supports the case of prosecution *qua* the applicant. It is also stated that the material witnesses in this case have already been examined before the learned Trial Court. It is further contended that the applicant was the friend of the deceased and therefore, the fact that there were some telephone call exchanged between them – in case the investigation has revealed exchange of some phone calls between the deceased and the accused – does not necessary lead to the conclusion that he was involved in the offence in question. It is argued that the co-accused Pawan has been enlarged on bail *vide* order dated 10.12.2025 by this Court. The learned counsel for the applicant also submits that there is no previous involvement of the applicant in any case and therefore, he be released on regular bail.

5. The learned APP for the State, on the other hand, argues that following recoveries were affected at his instance:

- (i) Blue colour bag of deceased containing RC of E-Rickshaw of deceased along with Techno Black colour mobile phone of deceased
- (ii) ₹47,000/- out of ₹ 50,000/- which were given to the applicant by the co-accused Pawan for helping him in the murder of the deceased
- (iii) One blood-stained knife, one blood-stained handkerchief and



one pair of blood-stained surgical gloves which were used by the applicant for committing murder of deceased with the help of his associates

- (iv) Dark blue colour T-shirt and black colour jeans which were changed by the applicant after murder of deceased, and
- (v) Shoes which were worn by the applicant at the time of murder of the deceased.

6. The learned APP for the State however states that there was joint recovery of blood stained clothes from the present accused and the co-accused Ravi Singh Chauhan. He further argues that the allegations against the present applicant/accused are grave and serious in nature. The formal witnesses in the case are yet to be examined. Thus, it is prayed that his bail application be rejected.

7. This Court has **heard** arguments addressed on behalf of the applicant and the State, and has perused the case file.

8. From the material placed before this Court, this Court observes that there is no eye witness to the alleged incident and the prosecution case rests entirely on circumstantial evidence, which is yet to be conclusively established during the course of trial. In the absence of any direct ocular evidence linking the applicant to the commission of the offence, the evidentiary worth of the prosecution case shall ultimately be tested at trial. The Court further notes that all material public witnesses have already been examined by the prosecution. Consequently, the likelihood of the applicant influencing the prosecution witnesses or tampering with evidence stands substantially diminished.



9. This Court also notes that the jail conduct of the applicant/ accused has been reported to be satisfactory. The accused also does not have any criminal antecedents. The applicant was earlier released on interim bail on three occasions and he did not misuse the liberty granted to him.

10. It is also pertinent to note that out of 34 witnesses, 13 witnesses have been examined, the applicant/ accused has remained in judicial custody for a period of about four and a half years. The trial is thus likely to take considerable time to conclude. There is no eye witness to the incident and co-accused Pawan has already been granted regular bail. Prolonged incarceration at the pre-trial stage would defeat the very object of bail and would amount to punitive detention, which is impermissible in law.

11. Considering the aforesaid facts and circumstances of the case and the fact that all public witnesses have been examined, the present case is based on circumstantial evidence, there is no eye witness to the incident, and the applicant is in judicial custody for about four and a half years, this Court is inclined to grant regular bail to the applicant, on his furnishing personal bond in the sum of Rs.10,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i) The applicant shall not leave the country without prior permission of the concerned Court and if the applicant has a passport, he shall surrender the same to the concerned trial court.
- ii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned



Court and IO/SHO concerned.

- iii) The applicant shall appear regularly before the learned Trial Court, unless exempted.
 - iv) The applicant shall not communicate with, or come into contact with the complainant or any of the prosecution witnesses, or tamper with the evidence of the case.
12. Accordingly, the present bail application stands disposed of.
13. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.
14. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MARCH 27, 2026/ns
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