$~4 (16.11.2026)

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

\# **CNR No. DLHC010381852026**

\+ BAIL APPLN. 3372/2026

RITIK KUMAR @ RITIK ROSHAN .....Petitioner

Through: Mr. Kamal Nayan Tiwari and Mr. Bangkin Perme, Advocates.

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for State with Mr. Narendra Kumar, Advocate.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 17.11.2026

[*This case is being taken up today as 16th November, 2026 was declared a holiday vide Notification No. 110/G-4/Genl.-I/DHC dated 11th November, 2026*]

1. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeks regular bail in FIR No. 283/2023, registered at P.S. Bawana, Delhi, initially under Section 302 of the Indian Penal Code, 1860 ["IPC"]. During investigation, Sections 392/34 IPC were added, followed by Section 376D IPC upon further investigation. The Applicant's latest application for regular bail was dismissed by the Sessions Court, Rohini, *vide* order dated 16th July, 2026.

2. The prosecution case arises from the death of a woman, aged approximately 55 years, whose body was found in the bushes near a garbage dump in Bawana on 15th March, 2023. She had left her residence the

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previous morning to collect firewood and had not returned. The post-mortem examination attributed her death to the combined effect of asphyxia and cerebral damage resulting from compression of the neck and injuries to the head. The investigation subsequently led to allegations of robbery and sexual assault.

3. The prosecution primarily relies upon the statements of Manik, the deceased's son, and HC Chetan. Manik stated that, at about 11:30 AM on 14th March, 2023, he saw his mother speaking to four unidentified boys near the garbage dump. HC Chetan stated that, at approximately 12:15 PM, he noticed four boys running from the bushes near the place of occurrence, but recognised only one of them, namely CCL 'B'. According to the prosecution, following the apprehension of four suspects on 15th April, 2023, Manik identified them as the boys he had earlier seen with his mother. All four were initially treated as Children in Conflict with Law ["CCLs"]. However, an ossification test subsequently indicated the Applicant's age to be between 22 and 25 years, whereafter he was proceeded against as an adult. While the record refers to a test identification parade of the recovered articles, the Applicant contends that no such parade was conducted in respect of the accused persons. During investigation, a beaded necklace allegedly belonging to the deceased was recovered from CCL 'B', while a bag containing her *chunni* was recovered at the instance of CCL 'R'. No recovery is attributed to the Applicant.

4. Counsel for the Applicant submits that there is no direct evidence connecting him with the offences. His implication rests substantially upon the alleged identification of a group of persons and statements recorded by the police during investigation. It is further submitted that the forensic

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examination has not yielded any evidence connecting the Applicant with the alleged sexual assault. Counsel also points out that while the three CCLs have been granted bail, the Applicant continues to remain in custody. Emphasis is placed upon his prolonged incarceration and the fact that charges have not yet been framed.

5. The Additional Public Prosecutor opposes the application, having regard to the gravity of the allegations and the material collected during investigation. It is submitted that the deceased was last seen in the company of four persons who were subsequently identified, and that another witness noticed a group fleeing from the vicinity of the place of occurrence. The prosecution also relies upon the recoveries effected during investigation and expresses apprehension regarding possible interference with material witnesses, who are yet to be examined.

6. The allegations are undoubtedly grave, and the medical evidence establishes a homicidal death. The question at this stage, however, is whether the material connecting the Applicant with the offences, considered alongside the period of custody and the progress of proceedings, warrants his continued detention.

7. The prosecution case is essentially circumstantial. The deceased's son claims to have seen his mother speaking to four boys who were previously unknown to him. Their subsequent identification, approximately one month later, assumes significance in the absence of a test identification parade. The Applicant's contention that the identification took place at the police station also requires examination at trial. While the absence of a test identification parade does not, by itself, render identification evidence inadmissible, its evidentiary value must be assessed in the circumstances in which the

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accused was identified. Further, HC Chetan, who allegedly saw four boys running from the vicinity, identified only Bhola and not the Applicant. The statements recorded by the police during investigation cannot, by themselves, constitute substantive evidence of the Applicant's involvement, except to the extent permitted by law. These circumstances bear upon the strength of the prosecution's case against the Applicant, without warranting any conclusive finding at this stage.

8. The forensic material is also relevant. Although semen was detected on certain exhibits, the FSL report dated 12th June, 2024, records that the DNA profiles of the Applicant and the three CCLs were not accounted for in the mixed DNA profiles obtained from the deceased's petticoat and two condoms recovered from the spot. Thus, the DNA examination of these exhibits does not establish a forensic link between the Applicant and the alleged sexual assault. The significance of these findings, when considered alongside the other medical and circumstantial evidence, remains a matter for trial.

9. The Applicant has remained in custody since 15th April, 2023, for more than three years and seven months. The original chargesheet was filed in July 2023, and further investigation, including forensic examination, continued thereafter. Yet, as reflected in the status report, the matter remained at the stage of consideration of charge in October 2026. No delay in the proceedings has been attributed to the Applicant. The trial is consequently unlikely to conclude in the near future. In ***Javed Gulam Nabi Shaikh v. State of Maharashtra***,[1] the Supreme Court reiterated that the seriousness of the alleged offence cannot, by itself, justify continued

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incarceration where the accused's right to a speedy trial under Article 21 of the Constitution is not being protected.

10. The Court is conscious that the material witnesses are yet to be examined and that the Applicant is involved in one other pending criminal case, as reflected in the nominal roll. However, there is no material indicating that the Applicant has attempted to intimidate witnesses or interfere with the proceedings. The nominal roll also records satisfactory jail conduct, with no punishment or previous conviction. In these circumstances, the apprehensions expressed by the prosecution can be adequately addressed by imposing appropriate conditions while granting bail.

11. Accordingly, the application is allowed. The Applicant is directed to be released on regular bail upon furnishing a personal bond of INR 25,000/- with two sureties of the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

(i) The Applicant shall appear before the Trial Court on every date of hearing, unless exempted.

(ii) He shall not directly or indirectly contact, threaten, influence or induce any prosecution witness, including the family members of the deceased.

(iii) He shall furnish his current residential address and mobile number to the Investigating Officer and the Trial Court and shall intimate any change therein.

(iv) He shall not leave the country without prior permission of the Trial Court.

(v) He shall not engage in any criminal activity or otherwise misuse the

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[1] 2024 INSC 645.

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liberty granted to him.

12. In the event of breach of any of the above conditions, the State shall be at liberty to seek cancellation of bail in accordance with law.

13. It is clarified that the observations made herein are confined to the determination of the present bail application and shall not influence the Trial Court in its consideration of charge or appreciation of evidence.

14. The application stands disposed of accordingly.

SANJEEV NARULA, J

NOVEMBER 17, 2026/as

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