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

+ **BAIL APPLN. 3798/2025**

RADHA DEVI @ CHANDRAWATIPetitioner

Through: Mr. Sumit Kumar, Advocate.

versus

STATE OF NCT OF DELHIRespondent

Through: Mr. Tarang Srivastava, APP.

Insp Chote Lal.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

17.04.2026

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1. By way of this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"], the applicant seeks grant of regular bail in connection with FIR No. 197/2022 dated 06.03.2022, registered at Police Station Sarai Rohilla under Sections 302 read with Section 34 of the Indian Penal Code, 1860 ["IPC"].

2. I have heard Mr. Sumit Kumar, learned counsel for the applicant, and Mr. Tarang Srivastava, learned Additional Public Prosecutor for the State. A status report has also been filed on behalf of the State, which is on record.

3. By order dated 06.10.2025, the Investigating Officer was directed to inform the complainant/family members of the deceased that they are entitled to be heard in these proceedings, in terms of the judgment of the Supreme Court in *Jagjeet Singh & Ors. v. Ashish Mishra @ Monu &*



*Anr.*¹. Pursuant thereto, the prosecution has placed on record a General Diary entry [GD No. 0191A] dated 15.12.2025, wherein it is recorded that the wife of the deceased was not found at the address mentioned in the case records. Upon inquiry, it was informed that she had left the said address for an unknown location. It is further recorded that the mobile numbers provided by her were also found to be unattended. One Rajesh, nephew of the deceased's wife, was contacted, who stated that she had gone to her village in Uttar Pradesh and that her return to Delhi was uncertain.

4. The facts of the case, as they emerge from the status report, are that a dead body was found lying in Flat No. B-9/A, B-Block, DDA Flats, Sarai Basti, Sarai Rohilla, Delhi on 06.03.2022. The deceased was identified as Jaipal, son of Bhuilottan, aged about 30-35 years. A post-mortem examination was conducted on the same day, i.e. 06.03.2022, which indicated the time of death to be approximately two days prior.

5. It is further the case of the prosecution that the applicant was identified on the basis of CCTV footage of the locality as having entered the flat of the deceased on 03.03.2022 at about 11:00 PM. The applicant alongwith her sons, namely Dheeraj and Satish, were apprehended and are stated to have confessed their involvement. They were subsequently arrested on 07.03.2022.

6. In the status report, reliance is placed upon the aforesaid CCTV footage, and reference is also made to the Forensic Science Laboratory ["FSL"] report, which is stated to confirm the presence of the applicant at the spot.

¹ (2022) 9 SCC 321.



7. Mr. Kumar submits that the applicant has been in custody for a period exceeding 4 years and 1 month. He further submits that the trial is currently in progress and, while all material witnesses have been examined, 15 out of 28 witnesses are still yet to be examined. In these circumstances, it is contended that there is a reasonable apprehension that the trial is likely to take a considerable time to conclude.

8. On merits, Mr. Kumar submits that the case against the applicant rests solely on circumstantial evidence, primarily in the form of CCTV footage from the locality, which is stated to have been recorded 3 days prior to the recovery of the deceased's body. He further submits that the forensic evidence, in the form of the FSL report pertaining to the blood samples, does not establish any match between the applicant's DNA and any of the material sent for examination. The relevant portion of the FSL report in this regard reads as follows:

DNA EXAMINATION

*Exhibit 'A1' (cloth piece), Exhibit 'A4' (shirt), Exhibit 'B2a' (nails), Exhibit 'B2b' (nails), Exhibit 'B3' (cloth piece), **Exhibit 'S1' (Blood gauze of accused Smt.Radha)**, Exhibit 'S2' (Blood gauze of accused Dheeraj) & Exhibit 'S3' (Blood gauze of accused Satish) were subjected to DNA isolation & quantitation. Globalfiler kit was used for DNA amplification. Gene Mapper ID-X software was used for STR analysis.*

DNA was isolated from the source of exhibits 'A1', 'A4', 'B2a', 'B2b', 'B3', 'S1', 'S2' & 'S3'.

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CONCLUSION

DNA profiling (STR analysis) performed on the exhibits is sufficient to conclude that:

- 1. DNA profile generated from the source of exhibit 'B3' is matching with the DNA profiles generated from the source of exhibits 'A1', 'A4', 'B2a' & 'B2b'.*



2. **DNA profiles generated from the source of exhibits ‘S1’, ‘S2’ & ‘S3’ are not matching with the DNA profiles generated from the source of exhibits ‘A1’, ‘A4’, ‘B2a’ & ‘B2b’.**²

9. Mr. Srivastava submits that, while it is correct that all material witnesses have already been examined and only official witnesses remain to be examined, there exists sufficient material on record to connect the applicant with the offence in question. He submits that apart from the CCTV footage referred to by Mr. Kumar, the Call Detail Records [“CDRs”] of the applicant’s mobile phone also indicate her presence in the vicinity at the relevant time.

10. Mr. Srivastava further draws attention to the testimony of Suraj [PW-6], recorded before the learned Trial Court, wherein the witness states that approximately 2 to 4 days prior to the discovery of the deceased’s body, he had seen one lady and two boys in front of the deceased’s house. According to his deposition, the said persons informed him that the resident of the ground floor had beaten the lady in a drunken condition and that they had come there to confront him. The witness further stated that he had taken photographs of the lady and the two boys on his mobile phone, whom he subsequently identified during his testimony.

11. Mr. Srivastava also relies upon a video recording found in the mobile phone of co-accused Dheeraj, which allegedly depicts the applicant being beaten by the deceased. In addition, he places reliance on the testimony of PW-3 Indrawati, the wife of the deceased, who stated that the present applicant and the deceased were in a relationship.

12. Having heard learned counsel for the parties, I am of the view that

² Emphasis supplied.



it would be appropriate to release the applicant on bail in the present case. She has already been in custody for over 4 years and 1 month, as reflected in the Nominal Roll. All material public witnesses have been examined. However, 15 official witnesses still remain to be examined. In these circumstances, there is a likelihood that the conclusion of the trial will take some further time. It is also not in dispute that the applicant does not have any previous criminal involvement.

13. While adjudication of a bail application does not involve a mini trial, and the evidence is not required to be examined in detail at this stage, it is sufficient to note that the prosecution case rests primarily on circumstantial evidence, including CCTV footage and CDR location data, which is stated to indicate the presence of the applicant in the locality on 03.03.2022 at about 11:00 PM. The body of the deceased was, however, discovered on 06.03.2022, and the post-mortem report indicates the time of death to be approximately two days prior thereto. The forensic evidence does not establish any match between the applicant's blood sample and any of the exhibits recovered from the scene of crime.

14. The testimony of PW-6 is also limited to stating that the applicant was seen entering the house of the deceased on an unspecified date, approximately two to four days prior to the discovery of the body, and that she had alleged she was beaten by the deceased. The material recovered from the mobile phone of co-accused Dheeraj is also stated to depict the deceased assaulting the applicant.

15. In view of the aforesaid *prima facie* material, I am of the considered view that the further incarceration of the applicant, pending trial, is not warranted.



16. Having regard to the above, it is directed that the applicant be released on regular bail in connection with FIR No. 197/2022 dated 06.03.2022, registered at Police Station Sarai Rohilla under Sections 302 read with Section 34 of IPC, subject to furnishing a personal bond in the sum of Rs. 25,000/- alongwith one surety of the like amount, to the satisfaction of the learned Trial Court/Duty Magistrate, and subject to the following conditions:

- a) The applicant shall not leave the National Capital Territory of Delhi without prior permission of the learned Trial Court;
- b) The applicant shall disclose and provide her permanent address to the learned Trial Court, as well as the address at which she is presently residing during the pendency of the case. The applicant shall further intimate the Investigating Officer, and also file an affidavit before the learned Trial Court, regarding any change in residential address;
- c) The applicant shall furnish her mobile number to the concerned Investigating Officer/Station House Officer and shall keep the same active and operational at all times. The said mobile number shall not be switched off or changed without prior intimation to the IO during the pendency of the trial;
- d) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, nor shall she tamper with the evidence in any manner whatsoever;
- e) The applicant shall remain present before the learned Trial Court on each and every date of hearing;



- f) The applicant shall not commit any offence during the period of her release.
17. The bail application is accordingly disposed of in terms of the above directions.
18. It is clarified that any observations made in the present order are solely for the purpose of deciding the present bail application, and shall neither influence the trial proceedings, nor be construed as an expression of opinion on the merits of the case.
19. A copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.

PRATEEK JALAN, J

APRIL 17, 2026
SS/SD/