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

+ BAIL APPLN. 4399/2025

NIKHIL

.....Applicant

Through: Mr. Dinesh Malik, Mr. Puneet Jain  
and Mr. Akash Saini, Advocates.

versus

STATE THROUGH SHO PS PASCHIM VIHAR .....Respondent

Through: Ms. Meenakshi Dahiya, APP for the  
State with Ms. Vanshika Singh and  
Mr. Bhanu Pratap Singh,  
Advocates.

Inspector Manoj Bhatia & SI  
Chetan, PS-Paschim Vihar

Mr. Anuj Kapoor, Advocate  
(DHCLS) with Mr. Nandeesh  
Nanda and Mr. Shivom Sethi,  
Advocates for the LRs of the  
deceased.

**CORAM:**

**HON'BLE MR. JUSTICE SAURABH BANERJEE**

**ORDER**

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**09.04.2026**

1. By virtue of the present application under *Section 483* read with *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**) [erstwhile *Section 439* and *Section 482* of the Code of Criminal Procedure, 1973], the applicant seeks grant of regular bail in proceedings arising out of FIR No.221/2019 dated 16.05.2019 registered at PS.: Paschim Vihar West, Delhi for offences punishable under *Sections 302/201/34* of the Indian Penal Code, 1860 (**IPC**).



2. As per the FIR, on 16.05.2019, upon receipt of a PCR call, information was conveyed regarding the presence of a deceased woman lying in the Nala near Dhobi Ghat, Sunder Vihar, Delhi. Acting on the said information, the police officials reached the spot, where they discovered a red coloured trolley bag, wherefrom the hands and feet of the victim were found protruding. Based whereon, the present FIR came to be registered.

3. During investigation, the deceased was identified and it emerged that the present applicant and the deceased had been residing together as tenants at house no. D-19A, Laxmi Park, Nihal Vihar, Delhi, and also that the applicant and the deceased often engaged in quarrels. In fact, during one such altercation on 14.05.2019, the applicant strangled the deceased with his hands, resulting in her death. Thereafter, with the assistance of his brother and mother, the applicant placed the body inside a red coloured trolley bag and carried the same, ultimately dumping the same in Jwalapuri drain.

4. Mr. Dinesh Malik, learned counsel for the applicant submits that the applicant has been falsely implicated in the present case, as no incriminating material/ evidence has been recovered/ produced against him, in fact, since the investigation in the matter is complete and the chargesheet has also been filed, further judicial custody of the applicant is not required. He further submits that the applicant has been in judicial custody since 14.06.2019 (*except the period of interim bail as per H.P.C guidelines*) i.e. for more than *Five (5) years* as on date and considering that out of a total of 38 witnesses only 20 have been examined till date, the delay in conclusion of trial as also the prolonged incarceration of the



applicant amounts to violation of *Article 21* of the Constitution of India. Lastly, he submits that the applicant is the sole bread earner of the family and bears the responsibility of looking after his sister, mother and brother (*who contacted HIV during incarceration*) as also since the co-accused in the present matter have been enlarged on bail, the applicant too is entitled to enlarged on bail on the principle of parity.

5. *Per contra*, Ms. Meenakshi Dahiya, learned APP for the State relying upon the Status Report submits that the applicant does not deserve to be released on bail as the allegations are very serious and grave in nature for offences under *Sections 302/201/34* of the IPC as also there being sufficient incriminating material to suggest that the said crime was committed by the present applicant. Lastly, she submits that since the conduct of the present applicant as apparent from the Nominal Roll is '*Unsatisfactory*' as also since there are certain material witnesses which are yet to be examined before the learned Trial Court, there is an apprehension that, if released on bail, the applicant is likely to influence, threaten or pressurize the witnesses and hinder in the administration of justice.

6. Additionally, Mr. Anuj Kapoor, learned standing counsel of DHCLSC appearing for the *kith and kin* of the deceased victim/respondent no.2, handing over a copy of the written synopsis (*which is taken on record*) as also supporting the case of the State submits that the applicant does not deserve to be released on bail as the role attributed to the present applicant is that of the main culprit, who killed the deceased by strangulating her with his hands, and also since during the time he was on interim bail in view of the *H.P.C guidelines* i.e. between the years 2021-



2023, key prosecution witnesses including the landlord, neighbour, shop owner and the vehicle dealer resiled from their earlier statements, therefore, indicating the applicant's ability to influence the witnesses and tamper with evidence.

7. This Court has heard the learned counsel for the parties as also perused the documents, including the Status Report on record.

8. Considering the overall facts and circumstances involved, particularly, the nature and gravity of the accusations levelled against the applicant, the severity of the punishment prescribed in the event of conviction as also the role attributed to the applicant, who is the main perpetrator and is alleged to have murdered the deceased by strangulating her with his hands and later packed the dead body in a suitcase and dumped the same in a drain, in the considered opinion of this Court there is no reason for granting regular bail to the applicant at this stage.

9. More so, whence the conduct of the applicant in jail is '*Unsatisfactory*', as also since whence he was released on interim bail in light of the *H.P.C guidelines* i.e. between the years 2021-2023, key prosecution witnesses had turned hostile and retracted from their earlier statements, which raises a strong apprehension that, if released on bail, the applicant may attempt to influence the witnesses and tamper with evidence thereby obstructing the administration of justice.

10. Accordingly, the present application seeking grant of regular bail in proceedings arising from FIR No.221/2019 dated 16.05.2019 registered at PS.: Paschim Vihar West, Delhi for offences punishable under *Sections 302/201/34* of the IPC is dismissed.



11. Needless to say, since the expression of opinion, if any, are for the purposes of adjudicating the present application only, they shall have no bearing on the overall merits/ trial involved.

**SAURABH BANERJEE, J**

**APRIL 9, 2026/NA/DA**