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

+ **BAIL APPLN. 4486/2025**

MOHD. PYARE @ KASIM

.....Petitioner

Through: Mr. Deepanshu Goswami, Ms. Kirti Chauhan, Mr. Rohit Sahrawat, Mr. Harsh Sharma, Mr. Vikas Sharma and Mr. Himanshi Goswami, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for the State with Insp. Madan Mohan, SI Ashutosh Mishra, PS Mehrauli.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

10.03.2026

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1. Applicant seeks regular bail in a case arising out FIR No. 760/2018 dated 23.11.2018, registered at P.S. Mehrauli, Delhi, under Section 302 of IPC.
2. Initially, the case was registered only for commission of offence under Section 302 IPC but later on, based on the deposition of complainant ('Miss A'), charge under Section 376 IPC was also added.
3. As per the prosecution's story, complainant (Miss 'A') was married to one Manish. However, on account of some matrimonial discord, she returned to her parental home. Her mother Maya Davi (deceased herein) had a friend i.e. Miss 'P' and asked her daughter to stay at the residence of Miss 'P'.
4. The applicant herein i.e. Mohd. Pyare Kasim is husband of Miss 'P'



and as per the prosecution's case, there was some illicit relationship between the applicant and Miss 'A' and the abovesaid relationship when came to fore, resulted in some altercation. As per prosecution, in a fit of extreme anger, the applicant strangled Maya Devi and it was in the abovesaid backdrop that the accused was arrested on 23.11.2018 and continues to be in incarceration since then.

5. Learned counsel for the applicant submits that there is no likelihood of trial being concluded in near future and the applicant has already undergone incarceration for more five years nine months and therefore, the applicant herein deserves concession of bail on account of having suffered incarceration for a significant period of time and places reliance on *Sunil Bihari Alias Shakti Singh v. The State (NCT of Delhi)*, 2025:DHC:11035 where the accused therein was granted concession of bail by Coordinate Bench of this Court *vide* its judgment dated 08.12.2025 on account of prolonged incarceration, while observing as order:-

"23. Once the applicant undisputedly is in continuous incarceration since 08.06.2018 and once it is clear that the trial is not likely to be concluded in near future, the applicant cannot be denied benefit of bail on the sole criteria of his implication in previous FIRs and the fact that the accused was once declared proclaimed offender.

24. The Hon'ble Apex Court in the case of Union of India v. K.A. Najeeb: AIR 2021 SC 712 held that once it is obvious that a timely trial would not be possible, and the accused has suffered incarceration for a significant period of time, the courts would ordinarily be obligated to enlarge them on bail.

25. The investigation in the present case already stands concluded with the filing of chargesheet followed by framing of charges and the material witnesses have already been examined by the learned Trial Court.

26. The object of Jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and



the deprivation of liberty has been considered as a punishment. However, appropriate conditions ought to be put to allay the apprehension of the applicant tampering with the evidence or evading the trial.”

6. The trial is underway and it is informed that both the material public-witnesses have been examined.

7. As per the Nominal Roll received from the Jail Authorities, the applicant has already spent around five years nine months behind the bars. The applicant was released on interim bail as per the recommendations of *High Powered Committee* (HPC) and there is nothing to indicate that he misused such liberty.

8. Learned Addl. P.P. for the State, in all fairness, admits that both the material public witnesses i.e. the complainant Miss ‘A’ and Miss ‘P’ have been examined. Prosecution has cited 41 witnesses, out of which only 2 abovesaid witnesses have graced the witness box so far.

9. Keeping in mind the overall facts and circumstances of the case and, in particular, the long incarceration period and no likelihood of trial getting completed in near future, the applicant is, hereby, directed to be released on bail on his furnishing personal bond in a sum of Rs. 50,000/- with one ‘local’ surety of like amount, subject to the satisfaction of learned Trial Court/CMM/Duty Magistrate with following conditions:-

- (i) The applicant would provide his Mobile Number to the concerned I.O and would ensure that such Mobile Number remains active and operational, till the disposal of the case by the learned Trial Court.
- (ii) The applicant would not try to come in contact of complainant and public witnesses, directly or indirectly.
- (iii) Applicant would report to concerned SHO/IO, first Sunday of



every month at 11:00 A.M. till trial is over.

(iv) Learned Trial Court would be at liberty to get the addresses of appellant and his surety verified, before accepting the bonds. In case, appellant wants to change his address, he shall give prior intimation in writing, not only to the concerned investigating officer but also to the learned Trial Court.

10. The application stands disposed of in aforesaid terms.

11. A copy of this order be immediately sent to the learned Trial Court and Jail Superintendent for information and necessary compliance.

MANOJ JAIN, J

MARCH 10, 2026

st/sa