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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 4758/2025

ABHAY KANT MISHRA

.....Applicant

Through: Mr. Ravi Ranjan and Mr. Sameer,
Advocates

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Raghuinder Verma, APP for
the State with Mr. Aditya Vikram Singh,
Ms. Upasna Bakshi and Ms. Divya Bakshi
and Mr. Gourav Singh, Advocates.

Inspector Mukesh Kumar, AATS, Rohini
with SI Ashok Singh Chauhan, PS-Nihal
Vihar.

Mr. Anuj Kapoor, Mr. Nandeesh Nand
and Mr. Shivom Sethi, Advocates
(DHCLSC) for LR's.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

21.04.2026

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1. By virtue of the present application under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**), the applicant seeks grant of regular bail in proceedings arising out of FIR No.112/2024 dated 16.01.2024 registered at PS.: Nihal Vihar for offences punishable under *Sections 302/201/34* of the Indian Penal Code, 1860 (**IPC**).

2. *Succinctly put*, on 11.01.2024, pursuant to a PCR call recorded *vide* DD No. 41A, information regarding the death of the deceased was received. Acting upon the same, the police officials reached the spot,



whereupon one male, later identified as Rachit (aged about 20 years) was found lying unconscious on a wooden bed, covered in a blanket and sheet. Though no external injury marks were noted on the body of the deceased but there was a ligature mark on the neck. Further, a brown coloured muffler was found around the neck of the deceased, one end secured with a knot and the other attached to a sharp object. Additionally, a vegetable cutting knife was found near the feet of the deceased, bearing a yellow paint on its blade and maroon brown threads resembling vegetable fibres as also a brown rope was discovered above the head, tied at both ends with a knot and a movable knot inside. However, there was no eyewitness to the incident.

3. The dead body was sent for post-mortem on 12.01.2024, and the report dated 16.01.2024 stated the cause of death as “... ..*asphyxia as a result of antemortem strangulation. However, viscera and blood has been preserved to rule out any intoxication.*”. Further investigation revealed that two companions of the deceased, Hariom/ CCL and the present applicant, who had recently come to Delhi for work, were found missing and later traced to Hardoi, interrogated, and released after instructions. Thus, the present FIR came to be registered on 16.01.2024.

4. Mr. Ravi Ranjan, learned counsel for the applicant submits that the applicant has clean antecedents; is not named in the FIR; has been falsely implicated herein; there is no incriminating material on record to connect/ suggest that the applicant was present at the scene of crime at the time of the alleged incident; and the entire case of the prosecution is based on circumstantial evidence. He further submits that there is a delay of *five (5)* days in the registration of the present FIR, as also that the applicant has



been in judicial custody since 17.01.2024 i.e. for more *two years and three months* as on date and since the investigation has already been concluded, the chargesheet has been duly filed, coupled with the fact that out of a total of *thirty (34)* witnesses only *three (3)* witnesses have been examined till date, which indicates the trial is likely to take considerable time, thus, continued prolonged judicial custody of the applicant would serve no fruitful purpose.

5. *Per contra*, Mr. Raghuinder Verma, learned APP for the State opposes the present application and submits that the allegations against him are grave and serious in nature for offences under *Sections 302/201/34* of the IPC and there is sufficient incriminating material on record against the applicant. He further submits that during the course of investigation, the co-accused/ CCL, in the presence of his father, admitted that he along with the applicant herein strangled the victim with a rope and to cover up the crime as they tried to stage it as a suicide by hanging the body with a muffler. Upon failing to do so, they cut the muffler with a knife and fled. While escaping, they took the mobile phone of the deceased and later disposed of it by throwing it into the river at Haridwar. In view of the said circumstances, the applicant does not deserve to be enlarged on bail.

6. This Court has heard the learned counsels and perused the record.

7. The overall facts and circumstances involved reflect that the nature and gravity of the accusations levelled against the applicant are heinous, the severity of the punishment prescribed in the event of conviction and the post-mortem report confirms the cause of death to be “... *asphyxia as a result of antemortem strangulation*... ..”. In fact, the location of the



mobile phone of the deceased matches with that of the applicant at the relevant time. Moreover, the facts reveal that the accused persons, including the applicant herein, tried to cover up the alleged crime by making it look like a suicide and destroy evidence as also fled from the scene of the crime to Hardoi.

8. All these raise apprehensions in the mind of this Court that there may be a probability of the applicant absconding, tampering with evidence for derailing the trial if released on bail.

9. Accordingly, the present application is dismissed.

10. 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 21, 2026/NA/DA