

SC No. 17/20
FIR no. 301/19
PS: Adarsh Nagar
State Vs Lakhan and another
U/s 302/201/34 IPC

10/02/2020

File taken today as an application for grant of bail u/s 439 Cr.P.C, moved on behalf of applicant/accused Raju, is pending.

Present: Sh. M.P Singh, Id counsel for applicant/accused.
Sh. Sanjay Jindal, Ld. Substitute Additional PP for State.

Inspector Rajinder Singh of P.S Adarsh Nagar is present on behalf of IO and has stated that IO is on medical rest. Inspector Rajinder Singh has filed the reply of the bail application under his signature.

Heard. Perused.

1. Ld Substitute Additional P.P has submitted that applicant is friend of co-accused Lakhan(father of deceased) and was working as employee alongwith co-accused in the same cable business and that victim/Sheetal was having affair with one Amit and wanted to marry him and accused Lakhan(father of victim) was against the same and that there was earlier scuffle between Amit and family members of Lakhan including him and that on the intervening night of 23/24.07.2020, the main accused Lakhan talked thrice with the applicant with his mobile phone and the CDR of the applicant confirms

Continued.....2

that accused Lakhan had talked with the applicant on the intervening night of 23-24/07/2019. He has submitted that accused Lakhan talked twice at 22:02:39 P.M and 00:18:42 and Raju(applicant) talked to Lakhan on 24.07.2019 at 00:30:34 A.M. He has further submitted that accused Lakhan had tried to reason with his daughter Sheetal/victim not to marry Amit in the presence of the applicant and Sheetal started shouting in loud volume, on which Lakhan caught hold of Sheetal from her neck and the applicant caught hold of Sheetal from her feet, as a result of which Sheetal passed away after some time.

2. Ld counsel for the applicant while refuting the allegations levelled has submitted that factum of death of the victim came to the notice of the applicant when her family members alongwith neighbours were about to cremate her at cremation ground, Kewal Park, Azadpur, Delhi. He has further submitted that the applicant has nothing to do with the offence in question and there is no material evidence against the applicant. He has further submitted that applicant is in JC since 09.09.2019 and no useful purpose would be served by keeping him in custody further.

3. As regards the participation of the applicant in commission of offence, Id Substitute Additional P.P has admitted that only disclosure statements of applicant and co-accused Lakhan are

Continued.....3

there and that there is no admissible material against the applicant except the mobile phone calls.

4. Admittedly the victim had died at her residence and the applicant/accused was not residing in the said premises. Inspector Rajinder Singh has admitted that the applicant was residing in the same locality and thus the location chart of his mobile phone may show him within the range of the same tower, even if he had not been present at the spot. There is no last seen witness who had seen the applicant at the place of residence of the victim. There is no evidence regarding going of applicant at the place of victim and returning from there on the date of the incident. As per the postmortem report the cause of death of the victim is asphyxia due to manual strangulation.

5. The applicant is stated to be in custody since 09.09.2019 and has spent about five months in custody.

6. Keeping in view the totality of aforesaid facts and circumstances, in view of the fact that applicant is in custody for last about five months, investigation qua him is completed, chare sheet has been filed and also in view of the fact that trial shall take considerable time, I am of the considered view that no useful purpose would be served by keeping the applicant further in custody.

Continued.....4

-4-

Accordingly the applicant is ordered to be released on bail on furnishing personal bond in the sum of Rs.35,000/- with one surety in the like amount. However the applicant/accused is directed not to try to influence or pressurize the witnesses or tamper with evidence. It is made clear that in case any prima facie material is brought to the notice of the Court that applicant/accused is violating the said terms, the bail granted to him shall be liable to be cancelled. Bail application is accordingly disposed of.

Re-notify the main matter on the date already fixed for the purpose fixed. Dasti to all concerned.

(Ashutosh Kumar)
Addl. Sessions Judge: 04 (North)
Rohini Courts: Delhi: 10/02/2020_(M)