

**IA/2/21 in SC No. 71/2021
State Vs. Jitender & Anr.
FIR No. 104/2020
PS Shahbad Dairy
U/s. 498A/304B IPC**

15.09.2021

Through Video Conferencing

This is the second application for grant of interim bail as per the guidelines of HPC moved on behalf of the applicant / accused Jitender Kumar.

Present : Sh. Harvinder Nar, Ld. Addl. PP for the State.
Sh. Rajiv Singh, Ld. Counsel for the applicant / accused
Jitender Kumar.
IO Inspector Sachin Mann in person.

Report from Jail Superintendent received.

It is submitted by Ld. Counsel for the applicant/accused that applicant/accused is innocent person and he has been falsely implicated in the present case. It is further submitted that applicant/accused is in JC for the last more than one year and he is entitled to bail as per the guidelines of HPC.

On the other hand, Ld. Addl. PP for the State vehemently opposed the bail application and argued that allegations against the applicant/accused are serious in nature and he played main role in commission of crime. It is further submitted that the date of marriage of the deceased was 21.04.2016 and she died on 10.03.2020, within a span of less than four years and thus an adverse inference in terms of Section 113(B) of Indian Evidence Act has to be drawn against the applicant. It is further submitted that allegations against the present applicant/accused are serious

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in nature and if he is released on bail, he may threaten the witnesses and prayer is made for dismissal of the bail application.

I have heard Ld. Counsels for the parties and perused the record carefully.

Allegations against the applicant/accused are serious in nature. Deceased Divya Singh died less than four years of the marriage and seriousness of the case has to be seen before passing any order on bail as per the guidelines of HPC.

Moreso, the court before passing any order on bail as per the guidelines of HPC should take into consideration various aspects such as the nature and seriousness of offence, the character of evidence, the circumstances which are peculiar to the accused, a reasonable possibility of the presence of the accused not being secured in the trial, reasonable apprehension of witnesses being tampered with, the larger interest of the public or the state and similar other consideration. Observation of HPC guidelines was made on 11.06.2020, i.e. almost a year ago. The number of COVID 19 cases and positivity rate in Delhi has declined and in my opinion the applicant/accused is not entitled to the benefit of interim bail as per the guidelines of HPC.

Therefore, considering the nature and gravity of offence, role attributed to the applicant/accused and overall facts and circumstances, no ground for interim bail is made out qua him. **Consequently, the application of applicant/accused Jitender Singh for grant of interim bail as per the guidelines of HPC stands dismissed.**

(Rakesh Kumar-III)
Addl. Sessions Judge-02(North)
Rohini Courts / Delhi / 15.09.2021