

SC No. 309/2023
State Vs. Shiv Kumar
FIR No. 712/2023
PS (New Usmanpur)
U/s 307 IPC

06.03.2026

Present: None for the State.
Sh. Nadeem Khan, Ld. counsel for
applicant/accused Shiv Kumar.
Ld. counsel for complainant alongwith complainant.
IO SI Surender Das in person.

This is 1st regular bail application under Section 439
of Cr.P.C moved on behalf of applicant Shiv Kumar.

1. It is submitted by applicant that applicant/accused is lying in JC since 21.09.2023.
2. It is further submitted by applicant that all the material witnesses have already been examined and there is no prior complaint of the complainant before this Court.
3. It is also submitted by Ld. counsel for applicant that complainant is wife of applicant/accused.
4. *On the other hand*, it is submitted by the complainant before the Court that her husband (accused) is drug addicted, who used to take drugs and used to give beatings to her and due to this reason, she started residing separately.
5. It is further submitted by the complainant that she has four children and she got married her two daughters with great difficulty.
6. It is also submitted by complainant that her husband

used to beat her and complainant has shown her cut marks to the Court. She further submits that accused has given beatings many times before also but she did not make any complaint for sake of her marriage and for sake of her children.

7. It is further submitted by complainant that once accused/applicant had broken her arm and if applicant/accused be released, he will kill her.

8. I have heard both the sides and gone through the record of the case.

9. There is MLC to support the version of the complainant. All the material witnesses have already been examined except the IO. Considering the over all circumstances of the case including the nature and manner of commission of crime, the kind of evidence against accused and that only IO remains to be examined in the present case. This Court is not inclined to grant bail to the applicant and hence, the present bail application seeking regular bail of applicant/accused Shiv Kumar, at this stage is **dismissed**. Application is disposed off accordingly.

10. Nothing mentioned herein shall affect the merits of the case.

11. Copy of this order be given dasti to Ld. counsel for applicant and the IO.

(Twinkle Wadhwa)
ASJ-02(NE)/ KKD/Delhi
06.03.2026/p