

IN THE COURT OF MS. SURABHI SHARMA VATS, ASJ-04
(SHAHDARA), KARKARDOOMA COURTS, DELHI

SC No. 87/2022, IA No. 06/2025& 07/2025

STATE VS. Umesh & Sumit @ Amit

FIR No. 798/2021

PS: Harsh Vihar

U/s 302/34 IPC

25.09.2025

This is a common order on applications seeking bail moved on behalf of applicants/accused persons namely Umesh & Sumit @ Amit.

Present: Sh. S.K. Dubey, Ld. Addl. PP for the State.

Sh. Manu Dhama, Ld. LAC for the accused Sumit @ Amit (through VC).

Sh. M.K. Singh, Ld. Counsel for applicant/accused Umesh.

Arguments on the present bail application heard.

1. It is submitted by Ld. Counsels for the applicants/accused persons that they have been falsely implicated in the present case; that applicants/accused persons are in JC since, 22.10.2021; that investigation of the present matter is complete, chargesheet has already been filed and till date, nothing incriminating has emerged against the applicants/accused persons.

2. Ld. Counsels for applicants/accused persons have further submitted that trial of the matter is likely to take considerable time, all the material witnesses have been examined and only formal witnesses are remaining to be examined, therefore, no purpose would be served by keeping the applicants/accused persons behind the bars; that applicants/accused persons are ready to abide by all the terms and conditions and are also ready to furnish reliable surety to the satisfaction of the Hon'ble Court, if admitted on bail.

3. Per-contra, Ld. PP for the state has strongly opposed this bail application while submitting that the allegations and offences against the applicants/accused persons are grave in nature. As per the case of prosecution, applicants/accused persons brutally murdered the victim/deceased by strangulating her; the CCL 'J' caught hold of the victim/deceased while applicant/accused Sumit used nada from his lower and applicant/accused Umesh used belt to strangle the victim to death.

4. Ld. Counsels for applicants/accused persons have argued that till date no evidence either ocular or circumstantial has been placed on record which connects the applicants/accused persons with the alleged incident; that there is a CCTV footage on record which only shows the presence of the applicants/accused persons near the park from where the deadbody of the victim/deceased was recovered; that the said park is a public park which is accessible to everyone; the presence of applicants/accused persons near the park can only be used as corroborative evidence and is not a substantive piece of evidence and location of the applicants/accused, if near the scene of crime, does not in any way means that the applicants/accused were actually involved in the crime. Further, the alleged CCTV footage does not show the entry or presence of the victim/deceased near the park and there is a request for Postmortem form placed on record which clearly records that it appears that the deadbody of the deceased was brought from somewhere and was placed in the park.

5. Ld. Counsels for applicants/accused persons have further argued in the FSL result it has been concluded that DNA profile generated from the source of exhibit '4' (Blood sample of accused

Sumit) is matching with DNA profile generated from the source of exhibit '23' (lower of accused Sumit) and Y-STR DNA profile generated from the source of exhibit '4' (blood sample of the accused Sumit) is matching with Y-STR DNA profile generated from the source of exhibit '23' (lower of the accused Sumit). These two results in noway connect the applicants/accused persons with the alleged incident. No DNA or blood of the victim was found on any of the belonging of the accused persons.

6. It is further argued by Ld. Counsels for applicants/accused persons that applicants/accused persons had no motive to have committed the offences in question; that applicants/accused have clean antecedents and are not previously involved in the similar cases. It is argued by Ld. LAC for the accused Sumit @ Amit that earlier, he was admitted on interim bail and he had not misused the same and had timely surrendered before the concerned Jail Superintendent. It is submitted that applicants/accused persons undertakes to be present before the Court on each and every date of hearing and also undertakes not to tamper with the evidence or influence the witnesses.

7. This Court has heard the arguments on the present applications and has also perused the available record.

8. Applicants/accused persons are in JC since 22.10.2021. Matter is at the stage of trial and trial is likely to take considerable time since, more than 17 witnesses still remains to be examined. Key witnesses of the case have already been examined and remaining witnesses are police witnesses/formal witnesses. The applicants/accused persons undertakes to be present before the Court on each

and every date of hearing and also undertakes not to tamper with the evidence or influence the witnesses.

Considering the totality of the facts and circumstances, period of incarceration of the applicants/accused persons coupled with above stated reasons, this Court deems it fit to enlarge applicants/ accused persons namely Umesh & Sumit @ Arjun on bail. Therefore, the present bail applications stands allowed and applicants/accused persons are admitted to bail on his furnishing personal bond in the sum of Rs.25,000/- each with one surety of like amount each, subject to the conditions as mentioned hereinbelow:

- i) That the accused/ applicants shall convey any change in their address immediately to the I.O. and the Court.
- ii) That accused/ applicants shall appear before the Court on each and every dates of hearing;
- iii) That the accused/ applicants shall not indulge in any kind of activities as alleged against him in the present case;
- iv) That the accused/ applicants shall not tamper with the evidence in any manner;
- v) That the accused/ applicants shall not contact, threaten or influence the complainant, victims or their family members or any of the witnesses.
- vi) That the accused/ applicants shall not leave the Country without prior permission of the Court.
- vii) That the accused/ applicants shall not directly or indirectly make any inducement, threat or promise to any person who is acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.
- viii) That the accused/applicants will not go or roam around in the vicinity of the complainant and victim.

9. *Nothing expressed hereinabove, shall tantamount to any opinion on the merits of this case.*

10. In compliance of directions of Hon'ble Supreme Court in case titled ***'In Re: Policy Strategy for Grant of Bail', Writ Petition (Crl.) No. 04/2021*** dated 31.01.2023, copy of this order be sent to applicant through concerned Jail Superintendent for information.

11. Applications stands disposed of accordingly. Copy of order be given dasti to Ld. Counsel for the applicants/accused and to the State as well.

(SURABHI SHARMA VATS)
ASJ-04, Shahdara/KKD Courts,
Delhi/ 25.09.2025