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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 2736/2025 & CRL.M.A. 21350/2025

JUHI

.....Applicant

Through: Mr. Kartik M., Adv.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP
for the State with Insp.
Dharmender Singh, PS
Naraina.

Mr. Sanjeev Rawat, Adv.
for the complainant.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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29.08.2025

1. By the present bail application, the applicant seeks regular bail in FIR No. 416/2024 dated 01.12.2024, registered at Police Station Naraina, for the offence under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023 ('BNS').

2. It is the case of the prosecution that on 30.11.2024, a PCR call was received in relation to an unconscious person with multiple injuries lying in a blood-soaked state in the park near Gurudwara Naraina. It was found that the victim had been taken to a hospital and declared as "brought dead". It is alleged that on 30.11.2024, at around 7:45 PM, the victim's wife received a call from the victim who informed her that CCL 'X' and 'Y', who are brothers, had stabbed him, after which the phone got disconnected. Allegedly, the incident was also witnessed by the



brother of the victim. It is alleged that CCL 'X' is also implicated for murdering the victim's younger brother on 22.05.2025, and the family members of the accused used to threaten the victim to withdraw the case.

3. During investigation, the CCLs disclosed that a few days before the incident, a quarrel had erupted between the victim and CCL 'Y' when the victim tried to enquire about the address and phone details of CCL 'X'. After CCL 'Y' informed his family members about the incident, they conspired to murder the victim as they apprehended that he may seek to wreak vengeance for the death of his younger brother.

4. The applicant is the mother of CCL 'X' and she is alleged to have been a part of the conspiracy. It is alleged that she was present at the park at some distance for the purpose of intervention and she was in touch with her husband before and after the murder to keep him abreast with the developments.

5. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present case, merely because she is the mother of the main-accused CCL 'X'.

6. He submits that no overt action of inflicting any injury or alerting the main accused has been levelled against the applicant and the only role attributed to her is that she was part of the conspiracy to commit murder of the applicant.

7. He submits that merely because the applicant was in touch with her family members, the same is insufficient to show her complicity in the commission of the offence.

8. He further submits that the chargesheet has been filed and no purpose will be served by subjecting the applicant to further incarceration.



9. *Per contra*, the learned Additional Public Prosecutor for the State vehemently opposes the grant of any relief to the applicant on account of the gravity of the allegations. She submits that the presence of the applicant at the park shows that she was aware of the conspiracy and actively facilitated the crime,

10. I have heard the counsel and perused the record.

11. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened; etc.

12. It is the case of the prosecution that the applicant was part of the conspiracy to murder the victim. Undisputably, no overt act has been attributed to the applicant and it is not alleged that she inflicted any injury on the victim.

13. At this stage, the applicant is being implicated essentially on the basis of her alleged presence near the spot of the incident and on account of her being in touch with her husband around the time of the incident.

14. Whether the applicant was part of the conspiracy to murder the victim cannot be ascertained at this stage, however, *prima facie*, the applicant's mere presence near the park does not negate the possibility that she had no prior knowledge of the conspiracy. Complicity of the applicant is alleged due to the applicant being in touch with her husband and disclosure of



accused CCL. The same would be tested after the evidence is led.

15. It is pertinent to note that the investigation is complete and the chargesheet has already been filed in the present case.

16. The object of jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment.

17. It is also relevant to note that the applicant, being a woman, is entitled for special consideration while dealing with the question of bail, in terms of the proviso to Section 480 (1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 [earlier Section 437(1) of the Code of Criminal Procedure, 1973].

18. However, appropriate conditions ought to be put to allay the apprehension of the applicant tampering with the evidence or evading the trial.

19. In view of the above, without commenting further on the merits of the case, I am of the opinion that the applicant has made out a *prima facie* case for bail.

20. Considering the aforesaid discussion, the applicant is directed to be released on bail on furnishing a personal bond for a sum of ₹20,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- b. The applicant shall appear before the learned Trial Court as and when directed;



- c. The applicant shall not leave the boundaries of the country without the permission of the learned Trial Court;
- d. The applicant shall provide the address where she would be residing after her release and shall not change the address without informing the concerned IO/ SHO;
- e. The applicant shall, upon her release, give her mobile number to the concerned IO/SHO and shall keep her mobile phone switched on at all times.

21. In the event of there being any FIR/ DD entry/ complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

22. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

23. The bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

AUGUST 29, 2025