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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 01.05.2025+ **BAIL APPLN. 737/2025**

SHAMIM

.....Petitioner

Through: Mr. M.L. Yadav, Advocate

versus

STATE (N.C.T. OF DELHI)

.....Respondent

Through: Ms. Richa Dhawan, APP for the State
with Inspr. Virender Kumar, SHO, PS
Mangolpuri and SI Ali Akram, PS
Wazirabad**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. The accused/applicant, suffering incarceration since 07.01.2023 seeks regular bail in case FIR No. 6/2023 of Police Station Wazirabad for offences under Sections 302/201/120B/34 IPC.

2. Broadly speaking, the prosecution case is that brother of the deceased lastly saw the deceased in company of the main accused Munish, who allegedly had illicit relations with wife of the deceased. Wife of the deceased is the present accused/applicant. Even as regards the allegation of illicit relations of the accused/applicant with the main accused, only one witness



who is nephew of the deceased expressed suspicion.

3. Learned counsel for accused/applicant submits that there is no evidence to connect the accused/applicant with murder of the deceased. It is further submitted that the accused/applicant is a lady, suffering undertrial custody for past long time.

4. Learned APP submits that apart from suspicion of nephew of the deceased qua the illicit relations of the accused/applicant with the main accused, there is also a piece of evidence in the form of Call Detail Records, reflecting multiple phone calls between the accused/applicant and the main accused. Apart from that, it is also submitted by learned APP that clothes and blood-stained shoes of the main accused were recovered from the house of the accused/applicant and as per FSL report, those blood stains on shoes are of the deceased. It is also submitted that public witnesses are yet to be examined.

5. The material pointed out by learned APP would at the most establish illicit relations between the accused/applicant and the main accused. But that is not enough in a case based on circumstantial evidence. Besides, I also find it a bit strange that the killer would leave his clothes and blood-stained shoes at the house of his beloved or anyone else instead of cleaning or destroying the same. The fact remains that *prima facie* there is no cogent material to connect the accused/applicant with the alleged murder.

6. Keeping in mind the above circumstances and that the



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accused/applicant being a lady, I find no reason to deprive her of liberty anymore. The application is allowed and the accused/applicant is directed to be released on bail subject to her furnishing a personal bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the learned Trial Court.

7. Copy of this order be sent to the Superintendent of the concerned jail for informing the accused/applicant.

**GIRISH KATHPALIA
(JUDGE)**

MAY 1, 2025

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