



2026:DHC:1263



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

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Date of Decision: 13.02.2026+ **BAIL APPLN. 3806/2024 & CRL.M.A. 31610/2024****SANTOSH KUMAR THROUGH BROTHER PAIROKAR AKASH KUMAR**Petitioner

Through: Mr. Munindra Dvivedi, Mr. Shivam Shuvam, Mr. Naman Sharma, Mr. Ruchir Batra and Mr. Devesh Mishra, Advocates.

versus

THE STATE N.C.T. OF DELHIRespondent

Through: Mr. Amit Ahlawat, APP for State with Shehnaz Khan, Advocate and IO/Inspector Baljeet Singh.

CORAM: JUSTICE GIRISH KATHPALIA**J U D G M E N T (ORAL)**

1. The applicant/accused seeks regular bail in case FIR No. 442/2020 of Police Station Mohan Garden for the offence under Section 302/201/34 IPC.
2. Broadly speaking, prosecution case is as follows. On 13.06.2020, a PCR call was received regarding foul smell emanating from a flat which was occupied by some boys from Bihar. The IO, on reaching the said flat opened the door to find the things lying scattered and one male decomposed body



covered with blanket concealed under a table. Further investigation revealed that the deceased had been strangled to death with the help of a computer cord. After further investigation, the investigator arrived at the doorstep of the accused persons namely Santosh (*the present accused/applicant*) and Vicky, who according to the investigator got recovered some sound recording equipments of the deceased. According to the prosecution, motive to kill was money dispute on account of recording of some songs.

3. Learned counsel for accused/applicant contends that he is in custody since June 2020 but trial has not been concluded till date. It is also contended that there is no cogent evidence on the basis whereof the accused/applicant is being detained. Learned counsel for accused/applicant has also produced before me the testimony of PW7 Subhash Ram, who allegedly witnessed the recovery of sound equipment of the deceased.

4. On the other hand, learned APP assisted by IO/Inspector Baljeet Singh strongly opposes bail application. It is contended that there is a clear circumstantial evidence in the form of CCTV footage which captures the accused persons in the lane of the house of the deceased at 03:30am of 09.06.2020. It is also submitted by learned prosecutor that the auto driver, whose services were availed by the accused persons in taking away the sound equipment also identified the accused/applicant in the CCTV footage.

5. So far as the CCTV footage is concerned, in the status report dated 22.03.2025, prosecution has provided 13 links of google drive. But none of



those links clearly captures face of either of the accused persons. Merely because in police interrogation, a witness states that he identifies the accused persons in the CCTV footage, the court cannot believe that without seeing the footage itself. In the footage played in court, the only thing visible is the back of two persons walking across the lane and a TSR entering the lane and stopping outside a gate, but neither faces of any of those persons is visible nor the TSR number is visible, nor even the lane depicted in the footage is identifiable.

6. Further, as mentioned above, PW7 Subhash Ram, who allegedly witnessed the recovery of sound equipment of the deceased did not support prosecution in his testimony. Rather, even PW8 Vijay Mehto, the alleged auto driver did not support prosecution.

7. In response to a specific query, it is stated by the IO that the computer cord allegedly recovered as a weapon of offence was not shown to the doctor for opinion as regards tallying the same with the ligature marks found on the deceased. Rather, the post-mortem report, which also is relied upon by prosecution states the time of death as one week prior to 15.06.2020, which *prima facie*, does not explain the alleged killing of midnight dated 09.06.2020.

8. Of course on all these aspects, trial court shall arrive at independent findings after conclusion of trial. But for present purposes, I do not find any sound reason to allow further detention of the accused/applicant.



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9. Therefore, the bail application is allowed and accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the Trial Court.

10. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

**GIRISH KATHPALIA
(JUDGE)**

FEBRUARY 13, 2026/ry