



2026:DHC:3673



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

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Date of Decision: 30.04.2026

+ **BAIL APPLN. 1368/2026**

RAM NATH

.....Petitioner

Through: Mr. Manoj Kumar Duggal, Advocate

versus

STATE (N.C.T. OF DELHI)

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State
with Inspector Puneet Bharti

CORAM: JUSTICE GIRISH KATHPALIA

JUDGMENT (ORAL)

1. The accused/applicant seeks regular bail in case FIR No. 720/2023 of Police Station Nangloi for offence under Section 302/201/34 IPC.
2. Broadly speaking, prosecution case is as follows. The deceased, having separated from her husband, was living with her daughter alone. Further, it is the case of the prosecution that the deceased was a sex worker, whose services were availed by four accused persons, including the present accused/applicant and in the course of aggressive sex, the present



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accused/applicant strangulated the deceased to death, after which all four accused persons dumped her dead body.

3. Learned counsel for accused/applicant submits that the remaining three accused persons have already been granted bail and post-mortem report of the deceased does not show any sexual activity between the deceased and anyone else. It is submitted that there is also no evidence to show that the deceased was a sex worker or her services were engaged by the accused persons. The accused/applicant is in jail since 11.09.2023.

4. Learned APP for State assisted by IO/Inspector Puneet Bharti opposes the bail application on the ground that there is a CCTV footage depicting the four accused persons carrying away dead body of the deceased in a bag. Further, it is submitted by learned APP for State that on thumb of the present accused/applicant, one bite mark was detected and the same was found to contain saliva of the deceased, which connects him with aggressive sex that led to death of the deceased.

5. As is obvious, it is not a case of direct evidence. As regards circumstantial evidence also, there is no witness who had seen the deceased last alive with any of the accused persons. Even according to prosecution case, the alleged sexual activity between the deceased and the four accused persons took place inside the room. That being so, the possible evidence connecting the accused/applicant with the so called aggressive sex, could have been obtained through forensic examination. But, according to FSL, no



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sexual activity was detected on examination of the dead body. In other words, even if prosecution version is assumed to be correct to the effect that the accused persons engaged services of the deceased for sex and one of them carried out aggressive sex, which turned fatal for the deceased, it cannot be said as to which of the four accused persons was responsible for that. The remaining three accused persons having been released on bail, there is no reason to detain the accused/applicant further.

6. Merely because of the deceased's bite mark on thumb of the present accused/applicant, it cannot be said that it is the accused/applicant only who carried out the aggressive sex, which turned out to be fatal.

7. Of course, the above observations are only a *prima facie* analysis for limited purposes of deciding the gravity of the offence so as to decide whether the accused/applicant be released on bail or not. At the final stage of the trial, the learned trial court shall obviously take a view, independent of the above observations.

8. Considering the above circumstances, I do not find any reason to deprive further liberty to the accused/applicant.

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.15,000/- with one surety in the like amount to the satisfaction of the Trial Court.



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

**GIRISH KATHPALIA
(JUDGE)**

APRIL 30, 2026/as