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

% *Date of decision: 18th September, 2025*

+ BAIL APPLN. 2717/2025

RAVINDER @ BIHARI

.....Petitioner

Through: Mr Ajay Kumar Pipaniya,
Mr. Deepak Mathur, Mr. Lavish
Chikkara, Mr. Harjas Anand and
Ms. Diksha Dharia, Advocates.

versus

STATE (GOVT. OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Utkarsh, APP for the State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*)/Section 439 of the Code of Criminal Procedure (Cr.P.C.), 1973, has been filed on behalf of the **Applicant/Ravinder @ Bihari**, in FIR No.0122/2024 under Sections 302/323/34 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*), registered at Police Station Samaipur Badli, Delhi.
2. It is submitted that the first Bail Application filed before the learned Trial Court has been dismissed on technical grounds on 12.07.2025.
3. The **case of the prosecution** is that eye-witness, Naveen has stated that on 21.01.2024 at around 08-09:00 PM, when he came home from his work, his mother 'S' informed him that his brother, Akshay after consuming liquor, has gone towards Railway Line. He went to the Railway Line and brought his brother with him. When they reached outside their



house, Akshay started abusing him and he took him inside and closed the door. After some time, he heard the voice of Akshay, who was crying for help. He came from his house and saw that the Applicant/Ravinder @ Bihari, Rajeev, Pahalwan, Manoj, Chela and Poli were beating his brother Akshay. He called his family member and they all got Akshay released from their clutches, on which they started beating his family members. Chetan and Bihari tore his mother's clothes and Bihari punched his Mausi 'M' and pushed her down, on which she became unconscious. Thereafter, all of them fled from the spot.

4. On 22.01.2024, the injured lady 'M' was shifted to Babu Jagjivan Ram Memorial Hospital, Delhi with complaint of *loss of consciousness* and was examined *vide* MLC No.243241/24. She was declared "Dead".

5. Subsequently, her Post-Mortem was conducted on the same day at 12:05 PM, wherein it was observed that there is *no external injury over the body and that she was a serious heart patient*. It was noted that there was *70-80% blockage in left anterior descending artery and the rest of the coronary arteries show 50-60% blockage with multiple old grey patches over the surface of the heart at places and surface vessels prominent and tortuous, left ventricle wall thickness was 2.5 cm. Examination of the heart showed hyperemia and Aorta showed atherosclerotic changes*. Final opinion for the cause of death is reserved.

6. The Applicant failed to join the investigations and proceedings under Section 82 Cr.P.C. were initiated against him.

7. The **Applicant has contended** that as per MLC/post-mortem Report and the other medical documents, no physical assault on the body of deceased 'M' was found and the cause of death has been opined as *critical*



heart ailments with complete blockage of arteries.

8. It is submitted that bare perusal of FIR shows that one of the alleged victims, namely, 'S' had made allegations about disrobing while other victim had made false allegations of physical assault. The contents of FIR are false and fabricated and have been orchestrated with the ulterior motive of exhorting the Applicant. Neither of the alleged victims has produced any medical evidence or MLC in support of their claims, thereby casting serious doubt on the veracity of the allegations leveled.

9. It is further submitted that five other co-accused namely Rajeev, Virender @ Pehalwan, Manish, Dinesh @ Chela and Parmod @ Podi have already been admitted to Bail by this Court.

10. The Applicant has asserted that he was not aware of the incident or FIR and he is living peacefully. On 01.04.2024, when one police officer called him, he went to the Police Station Samaipur Badli, where he was arrested without any Investigation and without being given any opportunity of being heard and without issuance of any Notice. He was never served with any Notice or never apprised by any Police official about any proceedings under Section 82 Cr.P.C. initiated against him.

11. The entire alleged incident is captured in CCTV Camera installed at the spot of incident, which was sent to FSL on 18.04.2024 for identification of the accused persons. Without checking the veracity and cause of death, all six male family members were made accused and implicated in this false and fictitious FIR. Out of six, five have been arrested without verifying the authenticity and veracity of allegations made in the FIR.

12. Reliance has been placed on Joginder Kumar vs. State of Uttar Pradesh, AIR 1994 Supreme Court, 1349, wherein it was observed that



personal liberty is a very precious Fundamental Right and it should be curtailed only when it becomes imperative.

13. CCTV Footage of the nearby area including the alleged spot, reflect that deceased 'M' was the by-standee standing meters away outside her house, beyond the purview of any assault or any injury, and she was far away from the alleged point of incident.

14. It is visible in the CCTV footage that from the very first-second/minute, she became short of breath and was pressing / rubbing her chest for easy breath. Because of such medical condition, she went inside and came outside several times, and finally collapsed inside her house. Thereafter, she was taken to the BJRM Hospital and history was given that due to shortness of breath, she collapsed. It is claimed that she suffered natural death, but out of vengeance and grudge, the Complainant and his relatives concocted the story and leveled false allegations against the Applicant.

15. Furthermore, 'Smt. S' (*mother of Complainant*) can be seen tearing her own clothes in order to falsely implicate the Applicant and others in false case of outraging the modesty of woman, which is fully supported by the CCTV footage and photographs filed on record.

16. Furthermore, SOS call was made to PCR at No.112 *qua* the alleged incident by the Complainant Naveen, after a gap of 02 hours. Moreover, even after lapse of about 12 hours, no Complaint or any statement was given to the Police by the Complainant or any other relative of the deceased. There is gap of more than 03 hours from the collapsing of deceased and MLC at BJRM Hospital. These facts further reflect the false implication of the Applicant, who is innocent.

17. It is further submitted that the investigations stand concluded and the



Chargesheet has been filed in the Court on 20.04.2024. The matter is pending for arguments on Charge.

18. The Applicant claims that there is no threat to the witnesses from him. He is a hard-working man, aged about 32 years, who was residing with family members, which comprises of his wife and three children. The burden of his family and social responsibilities rests solely on him. He was employed on contractual basis with the Municipal Corporation of Delhi (MCD). There is none to take care of his family, aside from himself. There is no source left to feed his family or pay school fees of his children. Moreover, his wife is suffering from hypertension, depression and anxiety and is therefore, incompetent to arrange funds for education of their children or their medical expenses.

19. The Applicant has no predisposition toward violence or confrontation. During the period of incarceration, although certain inmates instigated multiple altercations and attempted to provoke confrontations, he consistently refrained from engaging in any such disputes or acts of aggression. However, on one occasion, the situation escalated beyond the Applicant's control, wherein the aggressor inmates initiated a physical assault of such severity that the Applicant sustained serious injuries necessitating hospitalization. Consequently, an FIR was registered under Section 307 of IPC at his instance.

20. It is submitted that the Applicant is no longer required for any custodial interrogation. He is in Judicial Custody since 01.04.2024 and nothing remains to be recovered from him. He had cooperated during investigations.

21. Reliance is placed on Arvind Kejriwal vs CBI, in CRL.A.3816/2024



(arising out of SLP(CRL) No.11023/2024), wherein it was observed that where the trial is not likely to be concluded in near future, the Court should invariably bend towards liberty with a flexible approach towards an undertrial, save and except when the release of such person is likely to shatter societal aspirations, derail the trial or deface the very criminal justice system which is integral to rule of law.

22. Reliance is also placed on Manish Sisodia vs. Directorate of Enforcement, SLP (CRL) No.8781/2024, wherein it was observed that where there is no possibility of tampering the evidence or influencing the witnesses, the Rule of bail and not jail must be followed. Similar observations were made in Jalaluddin vs. Union of India, CRL.A. 3173/2024.

23. Reliance is also placed on Sanjay Chandra vs. CBI, (2012) 1 SCC 40; Prasanta Kumar Sarkar vs. Ashish Chatterjee, (2010) 14 SCC 496; Dataram Singh vs. state of Uttar Pradesh, 2018 LRC 52 (SC); Seema Singh vs. Central Bureau of Investigation, 2018 LRC 548 (SC); and Prabhakar Tewari vs. State of U.P & Anr., CRL.A.152/2020.

24. It is further submitted that one co-accused, namely, Virender @ Pehalwan had filed an Application for Anticipatory Bail, wherein learned ASJ has referred to medical evidence and CCTV footage and was pleased to grant interim protection to him. However, his Bail Application was dismissed *vide* Order dated 19.07.2024, without appreciating the relevant facts.

25. Thereafter, he filed an Application for Anticipatory Bail before this Court, wherein he was granted interim protection *vide* Order dated 24.10.2024. The other four co-accused persons are also on Bail.



26. In the end, it is stated that the Applicant is permanent resident of Delhi and has deep roots in the society. There is apprehension of him fleeing from justice. Hence, *prayer is made for grant of Bail.*

27. *Status Report has been filed on behalf of the State*, wherein the details of the investigations have been submitted.

28. The **Visra Report** of the deceased has been received from FSL Rohini, wherein no poison of any kind could be detected in the Exhibits. Subsequent opinion in regard to cause of death is sought, which is still pending. CCTV footages of cameras installed at the spot of incident and in nearby vicinity, have been collected. The photographs of the Applicant were sent to FSL Rohini for matching them with CCTV footage.

29. During the course of investigation, the Applicant was absconding and proceedings under Section 82 Cr.P.C. were initiated against him. He was arrested on 01.04.2024. The matter is now pending at the stage of framing of Charge.

30. The *Bail Application is opposed on the ground* that offence committed by the Applicant is heinous in nature. He is named in the FIR and was absconded during investigations and proceedings under Section 82 Cr.P.C. were initiated against him. There is likelihood of him absconding in future if granted Bail.

31. Moreover, he has involvement in *two other FIRs* bearing **FIR No.0333/2009** under Sections 392/394/34 IPC and **FIR No.0439/2013** under Sections 379/34 IPC, both registered at Police Station Samaipur Badli, Delhi.

Submissions heard and record perused.

32. As per the FIR, the mother of the Complainant and his Mausi 'M'



came into the street upon hearing a commotion. The Accused Bihari/*Applicant* and his associates started assaulting and abusing the Complainants' Mother and Mausi. Chela and Bihari threw the Complainants' Mother down and tore her clothes, upon which his Mausi 'M' tried to intervene and Bihari punched her and pushed her on to the ground, due to which she collapsed and died on the spot.

33. As per the Post Mortem Report, *the deceased had about 70-80% blockage on the left side and other coronary arteries show up to 50-60% blockage and multiple old grey patches over her heart.*

34. As per the CCTV Footage, deceased 'M' (*Aunt of the Complainant*) was standing meters away from the spot of the crime when the fight was going on between the Complainant and the accused persons and minutes before collapsing, that she had been going in and out of the house showing breathlessness and pressing/rubbing her chest.

35. The Chargesheet has been filed. However, the Charges have not yet been framed and the Prosecution Evidence is yet to commence. There are 31 Prosecution Witnesses in all and the trial is likely to take long.

36. Moreover, all five other co-accused have already been granted Bail by this Court.

37. Considering the totality of the circumstances as narrated above, the Applicant is admitted to Regular Bail in FIR No.0122/2024 Police Station Samaipur Badli, Delhi upon his furnishing a personal bond in the sum of Rs. 50,000/- and one surety of the like amount to the satisfaction of the learned Trial Court, subject to the following conditions: -

- a) Petitioner shall not leave Delhi/NCR without prior permission of the Court;



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- b) Petitioner shall appear before the Court as and when the matter is taken up for hearing;
 - c) Petitioner shall provide his mobile number to the IO concerned, which shall be kept in working condition at all times and in case he changes the mobile number, he would intimate the Investigating Officer concerned;
 - d) Petitioner shall inform the IO and the Jail Superintendent of the address where he shall be available in Delhi; and
 - e) Petitioner shall not try to contact, threaten or influence any of the witnesses of this case.
38. A copy of this Order be communicated to the learned Trial Court and as well as to the concerned Jail Superintendent.
39. Accordingly, the present Bail Application and pending Application are disposed of.

NEENA BANSAL KRISHNA, J.

SEPTEMBER 18, 2025/R