

**Uma Shankar Vs. State**

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**Court :** Delhi

**Decided On :** Aug-02-1991

**Reported in :** 45(1991)DLT68

**Judge :** R.L. Gupta, J.

**Acts :** [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 439; [Indian Penal code, 1860](#) - Sections 302

**Appeal No. :** Criminal Miscellaneous (Main) Appeal No. 1312 of 1991

**Appellant :** Uma Shankar

**Respondent :** State

**Advocate for Pet/Ap. :** I.U. Khan and; S.K. Agarwal, Advs

**Judgement :**

**R.L. Gupta, J.**

(1) This application has been filed for grant of bail on behalf of the petitioner who is facing prosecution for offences under Sections 302/201/364/394 read with Section 34 of the Indian Penal Code.

(2) I have heard arguments advanced by learned Counsel for the parties, The brief facts necessary for the disposal of this application are that one Rajiv Gupta,

brother of the deceased Sunil Gupta informed the police control room on 7.11.90 that his brother Sunil Gupta had gone to his office that morning but did not return. DD4-A was recorded. On 8.11.90 his dead body was found within the jurisdiction of Ps Dadri, District Ghaziabad, Up and a case was registered there under Section 302 JPC. Later on that case was transferred to Ps Connaught Place on 2.1.91. On 5.3.91, the petitioner and two others were arrested.

(3) On behalf of the petitioner, it has been contended that at the time of disposal of petitioner's bail application by the learned Asj on 18.4.91, only two circumstances were brought to the notice of the learned Judge for his complicity in the crime. One was the alleged recovery of wrist watch belonging to the deceased from the house of the petitioner and other was the statement of Smt. Saroj Chopra resident of 192, Gagan Vihar. However, when the challan was filed, recovery of the wrist watch was alleged from the co-accused Raj Kumar and not from the petitioner. therefore, the only evidence left against the petitioner was the statement of Smt. Saroj Chopra. She stated before the police that in November, 1990 on the first Wednesday she was present at the roof of her house at noon time when she saw in a portion of house No. 206 tenanted by Anil Singh, Chartered Accountant (co-accused), a boy coming out from the room towards the courtyard of that house with some blood stains on his face and clothes. According to her further statement that boy took a towel and cleaned his face with it. She went on to say that on 5.3.91, the police came in the evening Along with Anil Singh and two other persons who were found standing in a vacant plot under construction. After that she recognised that one of the two companions of Anil was the same boy whom she had seen cleaning his face of blood stain. Police told her that the name of that person was Uma Shanker and other boy was Raj Kumar.

(4) Learned Counsel for the State, however, pointed out that the petitioner had also given a statement in pursuance to which he pointed out House No. 206, Gagan Vihar, the place where murder was committed by him along with others and also the place where they parked the Maruti van at Dadri after committing the murder and threw the dead body behind the trees.

(5) Without expressing any opinion on the merits of the case, upon a consideration of entire circumstances, I am of the view that the petitioner should be released on bail. The petitioner is, therefore, admitted to bail on his furnishing a personal bound in the sum of Rs. 10,000/ with one surety of the like amount to the satisfaction of the learned trial Court. The petitioner, however, shall neither contact the witnesses nor leave the union territory of Delhi without permission of the trial Court.

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