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

Date of decision: April 05, 2021

+ **BAIL APPLN. 1104/2021 & CrI.M.A. 5354/2021 &
CrI.M.(B) 362/2021**

PREETI JAIN

..... Petitioner

Through: Mr. L.S. Chaudhary,
Mr. Ajay Chander &
Ms. Tanya Panwar,
Advocates

Versus

STATE (GOVT. OF NCT OF DELHI) Respondent

Through: Mr. Amit Chadha, Additional
Public Prosecutor for State
with Inspector Ratnesh
Kumar Singh

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

JUDGMENT *(oral)*

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1. Petitioner is in custody in FIR No. 329/2019, under Section 302/34/120B IPC, registered at police station New Usmanpur, Delhi since 03.05.2019. By this petition, she is seeking regular bail on the ground that she is innocent and has been falsely implicated in this case.

2. Notice issued.

3. Mr. Amit Chadha, learned Additional Public Prosecutor for State, accepts notice.

4. Learned counsel for petitioner submits that the petitioner is seeking regular bail purely on humanitarian grounds, as there is no one to take care of her three minor children, aged 13 years, 09 years and 06 years. It is submitted that after petitioner's arrest, one of her daughter became a victim of sexual harassment, in relation to which FIR No. 460/2020, under Section 354A IPC r/w Section 12 of The Protection of Children from Sexual Offences Act, 2012 has been registered at police station New Usmanpur, Distt. North East, Delhi. It is further submitted that another daughter of petitioner is suffering from brain injury, as one of the bone in her brain is cracked and she is under continuous treatment and is presently in the custody of Anju Jain, her sister-in-law (*nanad*) and Manoj Jain, brother-in-law (*nandoi*), who are not taking her for a regular consultation and treatment.

5. Learned counsel submits that after petitioner's arrest, Anju Jain and Manoj Jain have filed a suit for partition with respect to house of petitioner, which is in the name of petitioner's husband

(since deceased) against the interests of petitioner. Learned counsel submits that petitioner was running a play school in the said property/house and a complaint against Anju Jain and Manoj Jain, who are in possession of the said property, has been filed by the petitioner for misappropriation of jewellery articles and cash worth Rs.22 Lacs.

6. Learned counsel further submits that three minor children of petitioner are in the custody of Anju Jain and Manoj Jain and they are being mentally and physically harassed by them and are being deprived of their basic needs and education. Learned counsel relied upon decision dated 06.10.2020 of a Division Bench of this Court in Crl. A.194/2019, titled as *Kajal Vs. State*, in support of petitioner's case.

7. On the other hand, learned Additional Public Prosecutor for State has opposed the present petition by submitting that the petitioner is the main conspirator, who had hatched a conspiracy with co-accused Rahul Jain and Vijay Kumar to kill her husband.

8. Further submitted that petitioner, who was in illicit relationship with Rahul Jain, hatched a conspiracy to kill her

husband –Subodh Jain. Rahul Jain gave the contract of murder to his friend Vijay Kumar, resident of Adarsh Nagar, Gohana, Haryana on Rs.1.50 Lacs. They all met on 29.04.2019 at McDonalds. Rahul Jain gave 10 sleeping pills to petitioner and told her to mix these in the lunch of her husband. Petitioner gave key of the main gate of her house to accused Vijay. On 01.05.2019, petitioner mixed the sleeping pills in the lunch of her husband and went to her in-law's home with her kids and informed Rahul Jain that she had done her work. Rahul Jain, sent her associate Vijay to kill Subodh Jain. As per their plan, Vijay reached at the house and strangled Subodh while he was sleeping.

9. Learned Additional Public Prosecutor for State further submitted that accused Rahul Jain was arrested on 02.05.2019. Key of the house of petitioner, which was returned by Vijay to Rahul at the time of receiving of contract killing money and two mobile phones used for chatting with Preeti Jain, were recovered from his possession. On his disclosure, accused Vijay was arrested and one laptop, mobile of deceased Subodh Jain, remaining cash of Rs.22,000/- out of contract killing amount of Rs.1,50,000/-, rope

and gloves used for strangulating the deceased, were recovered at his instance.

10. Learned Additional Public Prosecutor for State further submitted that one mobile phone, which was used by petitioner for chatting and commission of murder, DVR of McDonalds, Kashmere Gate, where the accused planned the murder, DVR of hotel Glance-Inn, Laxmi Nagar, Delhi, where petitioner used to meet Rahul Jain have been seized. He further submitted that after completion of investigation, charge sheet in this case has been filed and charge is yet to be framed by the learned trial court.

11. Upon hearing learned counsel representing both the sides, I find that the allegations leveled against the petitioner are serious in nature. She is the key conspirator of murder of her own husband. As per prosecution, CCTV footage of 29.04.2019 shows that petitioner along with other accused persons hatched a conspiracy to murder her husband, which is corroborated with the disclosure statements of accused- Rahul Jain and Vijay Kumar. The visiting register of hotel Glance-Inn, Laxmi Nagar, Delhi records petitioner and accused Rahul Jain as husband and wife. The key of house of petitioner was

recovered from Rahul Jain and another key was recovered from the petitioner and both the keys are identical as per FSL report. The piece of hand glove seized from the crime scene and another at the instance of Vijay Kumar, also match as per FSL report. The call detail record of accused persons collected and analyzed shows they were in contact just before and after the commission of crime. In addition, as per call detail record, there are 22 telephonic conversation between Rahul Jain and Vijay Kumar and 26 telephonic conversation between petitioner and Rahul Jain on the day of the incident i.e. 01.05.2019.

12. Reliance placed upon decision in *Kajal (Supra)* is of no help to the case of petitioner, as in the said case petitioner-Kajal, who was held guilty and sentenced for murdering her step-son and was released on interim bail during pendency of the appeal, whereas in the present case, the charge-sheet is said to have been filed and Charges are yet to be framed.

13. *Prima facie* petitioner is the key conspirator of hatching conspiracy of murder of her husband. The electronic evidence, coupled with the recoveries made, does not persuade this Court to

keep a lenient view towards the petitioner. Keeping in view the serious allegations against the petitioner and the fact that petitioner has hatched a conspiracy to eliminate her husband, I am not inclined to grant bail to the petitioner.

14. In view of the above, without commenting on the merits of the case, the present petition and the pending applications are accordingly dismissed.

APRIL 05, 2021

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(SURESH KUMAR KAIT)
JUDGE