

Neutral Citation No. - 2025:AHC:100311

Reserved On:- 30.05.2025

Delivered On:- 27.06.2025

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40460 of 2024

Applicant :- Nitin Nath Singh

Opposite Party :- State of U.P.

**Counsel for Applicant :- Navnath Pandey, Rakesh Kumar Gupta, Sr.
Advocate**

Counsel for Opposite Party :- Anshul Pathak, Atharva Dixit, G.A.

Hon'ble Siddharth, J.

1. Heard Sri Rajrshi Gupta, learned counsel or applicant; Sri Manish Tiwary, learned Senior Counsel assisted by Sri Anshul Pathak, learned counsel for informant; learned AGA for State and perused the material on record.

2. According to prosecution case, narrated by Ajay Kumar (brother of victim/deceased Renu Sinha), that his sister suffering with Cancer diseases from last many years did not respond on mobile from last one day. At this juncture, he visited House No. D-40, Sector-30, Noida and found lock on the gate of the house. At 01.40 P.M. he arrived at the aforesaid house and found outer gate locked, Parul a friend of his sister also reached there and both tried to jump the boundary wall but on the objection raised by neighbour they have not entered in the house and contacted his sister's husband, Nitin on phone, Nitin told the neighbour that he is present at Lodhi Road and he will reach the house within an hour. On assuming some incident being sister a patient Cancer, the police was informed on dial no.112 within 5-10 minutes the police arrived there and in front of working President of R.W.A. the lock of outer door had broken.

Thereafter, the lobby door was also found locked by that time the incharge of police station- Sector 20, Noida, arrived there and lobby door lock was also broken. The dead body of his sister was found laying in the bathroom attached with her bed room having numbers of injuries on her face.

3. The autopsy was shown to be conducted on 11.09.2023 by Dr. Rishabh Kumar Singh, Medical Officer, District Mortuary Gautam Budh Nagar, has noted three contusion and dislocation of right shoulder joint as ante-mortem injury, the cause of death is mention as Asphyxia consequent upon manual strangulation.

4. After recording of the statement of the informant, the site plan was shown to be prepared on his pointing out and in the same process, the arrest of accused-applicant shown to be effected from inside the store room of the first floor, after broken open the door lock. The memo of arrest was prepared wherein the relevant column of date and time of arrest, no time is mentioned.

5. Learned counsel for the applicant has submitted that the vital delay of about 08 hours in lodging the FIR has not been explained by the informant- Ajay Kumar either in his written narration or his statement u/s 161 Cr.P.C. At the end of the process of investigation, an attempt was made to cover of the said discrepancies by recording the additional statement of first informant (Ajay Kumar) in Parcha No.-XXII of the case diary dated 10.10.2023, wherein he specifically disclosed that after the late hours of night between 10.9.2023, 11.9.2023 the accused-applicant was arrested from inside the store room at first floor of the house. On the other hand, the Investigating officer has shown the time of arrest is at 11.30 hours/AM of 11.9.2023. The self contradicted version regarding the actual time of arrest of the applicant put a big question mark about the time and place of arrest.

6. There was a pressure of Ajay Kumar, informant, for transfer of the self owned house of the applicant D-40 Sector 30, Noida in his favour as the applicant has proposed to sale the said house and bring his wife to U.K./ U.S.A for her advanced medical treatment, as he has strictly refused to transferred the self owned house to his brother-in-law, Ajay Kumar.

7. In the said back drop, the applicant and his wife, Renu Sinha, contacted property dealer, Anil Sharma, and negotiated with him about sale of his self owned house. The purchaser builder, Anil Sharma, offered for sale consideration Rs. 4.5 crores is accepted by the applicant and his wife, Renu Sinha and Rs. 55 lacs as earnest money has received on execution of registration of agreement to sale dated 04.02.2023.

8. On 9.9.2023, the applicant and his wife, Renu Sinha, visited the office of Anil Sharma. However, on account of his visit to Meerut they could not meet, on calling the next day Anil Sharma with his association visited the house D-40 Sector-30 Noida for the purpose of actual measurement of carpet area, the process of measurement was done at roof of the house for the purpose of mentioning in the proposed sale deed draft. Thereafter, the applicant left his house and visited Lodhi road, leaving his wife in the house. Ajay Kumar, first informant constantly pressurized her sister, Renu Sinha, to retain the said house or transfer the same in his favour, so that on future visit in India, she may stay there in her own house.

9. Renu Sinha and the applicant did not yield to the said pressure and decided to sale the said property to builder, Anil Sharma, on the market rate. The requisite legal formalities for issuance of transfer permission / memorandum was sought by filing the transfer application along with transfer charges and processing fees, the said application was duly acknowledged on the official site of Noida Authority.

10. For the last many years, the applicant and his wife had been frequently visiting the U.K/U.S.A. and used to stay there for long period frequently as per the medical advice. In their absence, the applicant said house used to be look after by his in-laws particularly, Ajay Kumar who had one set of key of the door of the house.

11. Since in the absence of his wife, Renu Sinha, done death by a person not known to applicant, every possibility of the complicity of Ajay Kumar behind the episode of killing of his wife as the applicant and his wife were going to transfer the self owned property to builder, Anil Sharma and the steps had been taken against the wishes of informant (Ajay Kumar) who had ill-will to grab the said property at the event of migrating the applicant and his wife from India to U.K/U.S.A.

12. The first informant (Ajay Kumar) is a highly influential person connected with the electronic media, he used to anchoring News Nation / Aaj Tak etc. The episode has been exhibited at various national news channel including News Nation and Aaj Tak by painting the picture and showing the involvement of applicant in the episode of killing of his wife.

13. From the wedlock of the applicant and deceased, Renu Sinha, they were blessed by a son, namely, Manas, who is presently settled in U.S.A. The applicant being the British citizen on account of birth in U.K has decided to finally settle to U.K or U.S.A with his son to provide best medical treatment to his cancer suffering wife, Renu Sinha. It is most pertinently submitted here that the applicant has been confined in jail since 11.09.2023. The charge sheet has already been filed on 14.10.2023. The cognizance on the charge sheet has already been taken on 30.10.2023. However, the case has yet not been committed.

14. Learned Senior Counsel for the informant has vehemently opposed the bail application and has submitted that the applicant has not approached the Court with clean hands and there are major concealment of essential and true facts of the case which have been deliberately suppressed in the affidavit filed in support of the above captioned bail application with the sole ulterior motive to anyhow obtain relief from this Court.

15. It is submitted here that the accused is the sole and the only accused in the present case and is a major flight risk and there is possibility of him fleeing from India once the liberty of bail is granted to him. It is submitted here that at the time of arrest passports of British Nationality and as well as Indian Nationality have been recovered from the accused-applicant which have been mentioned in the recovery memo.

16. On one hand the accused applicant in his Indian Passport bearing No. U195003 has shown his place of birth as Hazaribagh, (Jharkand) and his date of birth as 06.03.1964 while on the other hand the applicant has claimed his date of birth to be 06.03.1962 and has also claimed his place of birth as Sunderland (United Kingdom).

17. Accused applicant and his deceased wife were the only persons residing in the house where the dead body of the deceased has been found and as such the burden of proving fact especially within knowledge, rests entirely on the accused applicant and the applicant has miserably failed to offer any plausible explanation to discharge the burden of proof and explain the circumstances under which the death of the deceased of the present case took place.

18. In the statement of one witness, namely, Kapil Dev, i.e., the police personnel who reached the place of incident at the earliest instance has

categorically stated in his statement that the entire house, where the accused applicant and his deceased wife were residing together, was bolted / locked from the inside and forcible entry was made into the house where the dead body of the deceased was lying in the bathroom. The statements of one constable, Sunil Kumar and Constable, Arun Kumar, who were on duty officers in the Police Response Vehicle (PRV 2371) may also be referred to as to how the body of the deceased was found in the house of the accused applicant. The deceased wife had sustained multiple external injuries caused by blunt force and cause of death has been mentioned as Asphyxia consequent upon manual strangulation.

19. Statement of one witness, namely, Shobha Mandal, who happens to be the house help of the accused applicant, has specifically stated in her statement that she was asked not to come for work on the date of incident i.e. 10.09.2023 by the applicant. It has been further stated in her statement that the accused applicant did not have cordial relationship with his deceased wife.

20. Perusal of statements of witnesses, Praveen Nanda and Anil Agarwal, would also go on to establish the fact that the accused applicant was apprehended from the said house and the accused did not have cordial relationship with his wife.

21. The deceased in the present case had herself lodged an F.I.R against the accused applicant in the year 2016 which has been registered as Case Crime No. 483 of 2016 under section 323, 504 and 506 of the I.P.C on 24.10.2016 and the note of the said fact has been taken by the investigating officer of the present case in the chargesheet of the present case.

22. Accused applicant has strained relationship with his son, namely, Manas, who is residing in the United States of America and he had sent various emails to his son demanding huge sums of money from him and further threatened to disown him if he fails to meet the demands raised by the applicant.

23. The statements of witnesses, Vinod Kumar and Anil Kumar Sharma, would go on to establish the motive of the accused applicant for committing the murder of his wife as the deceased wife in the present case was against the applicants wish to sell the house, however, when on 10.09.2023, when the vendee, Anil Kumar Sharma along with the witnesses of agreement to sale namely, Vinod Kumar Gautam, arrived at the house for taking measurement of the floor area, it was when the deceased realized that the accused applicant has sold of the property and has also accepted an amount of Rs. 3 crores from the sale proceeds. Subsequently when the deceased raised questions to the accused applicant then the applicant committed the cold-blooded murder of his wife.

24. Further the statement of one, Pramod Verma, who happens to be the President of the Residents Welfare Association, Sector 30, Gautam Buddh Nagar, would further go on to establish the motive of the accused applicant behind the commission of murdering his wife and flee from India along with the money from the sale proceeds of the house.

25. CCTV footage of the neighbouring house has been collected by the investigating officer and from the perusal of this video footage it surfaced that the applicant never left his house on the date of incident and had locked himself in the house after committing the murder of his wife in order to escape from the police.

26. Statement of one witness, namely, Subhash, who happens to be the caretaker of the CCTV cameras installed at Sector 30, has been recorded by the investigating officer in which he has stated that on the said date of incident he was called upon by the concerned officers to investigate the camera installed at House No. B-37 wherein he checked the entire footage of the camera of the date of {incident i.e. 10.09.2023 from morning till evening wherein it was revealed that the accused applicant had not left the house on the said date due to which the police officers got suspicious and broke the locks of the house and arrested the applicant from inside the storeroom of the said house.

27. It is finally submitted that the deceased was unfortunately diagnosed with cancer and after receiving proper treatment she was cured and was cancer free in the year 2015 itself and hence there was no occasion for her to have visited U.K./ U.S.A along with the accused-applicant as mentioned in Paragraph 26 ad 30 of his bail application.

28. On the other hand learned A.G.A has opposed the prayer for bail.

29. After hearing the rival submissions, this court finds that applicant is in jail since 11.09.2023. None of the parties have brought on record the current status of trial. Applicant is not a hardened criminal who can pose any threat to the safety of society. He has sufficient assets and is not at flight risk. He appears to be senior citizen as well.

30. Keeping in view the nature of the offence, evidence, complicity of the accused, submissions of the learned counsel for the parties noted above, finding force in the submissions made by the learned counsel for the applicant, larger mandate of the Article 21 of the Constitution of India, considering the dictum of Apex Court in the case of *Manish Sisodia vs. Directorate of Enforcement*, 2024 LawSuit (SC) 677 and considering 5-6

times overcrowding in jails over and above their capacity by the under trials and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

31. Let the applicant, Nitin Nath Singh, involved in Case Crime No. 393 of 2023, under Section- 302 IPC, Police Station- Sector-20 Noida, District- Gautam Buddh Nagar, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i) The applicant shall not tamper with the evidence or threaten the witnesses.

(ii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iii) The applicant will surrender his passport and not leave the country without permission of the trial court.

(iv) The applicant shall remain present before the Trial Court on each date fixed, either personally or as directed by the Court. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A of the Indian Penal Code.

(v) In case the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 82 Cr.P.C. is issued and

the applicant fails to appear before the Court on the date fixed in such proclamation then the Trial Court shall initiate proceedings against him in accordance with law under Section 174-A of the Indian Penal Code.

(vi) The applicant shall remain present in person before the Trial Court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

32. In case, of breach of any of the above conditions, it shall be a ground for cancellation of bail.

33. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

Order Date :- 27.06.2025

Rohit