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

+ BAIL APPLN. 250/2024

NITIN YADAV @ TINI

.....Petitioner

Through: Mr.Akshay, Advocate

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms.Manjeet Arya, APP for State with
Insp. Bijay Kumar, P.S. Bawana and
Insp. Rakesh Kumar, TI/S.P.Badli
Circle.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

17.09.2024

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1. An application under Section 439(1) read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of regular bail in FIR No. 237/2019 under Sections 302/34 IPC & Sections 25/27 of Arms Act registered at PS: Bawana.
2. In brief, as per the case of prosecution, deceased Anil Verma was shot dead at Ishwar Colony, Phase-3, Bawana, Delhi and three empty cartridges were found lying on the spot. During the course of investigation, four accused, namely, Lakshay @ Golu, Nitin Yadav @ Tini (Petitioner), Jatin @ Vivekanand and Ibrahim were arrested. The gunshot fired at deceased was found linked with the weapon of offence recovered at instance of accused Lakshay @ Golu.
3. So far as the present petitioner Nitin Yadav @ Tini is concerned, he is alleged to have refused to join TIP. However, the empty cartridges



recovered from the spot could not be linked to the weapons recovered at his instance.

4. Learned counsel for the petitioner submits that the alleged eye witness did not support the case of the prosecution on the point of identity of the accused and there is no other evidence on record linking petitioner to the commission of offence.

5. On the other hand, application is vehemently opposed by learned APP for the State on the ground that petitioner is BC of the area and has been involved in several other cases including offences under Sections 302,307,392 IPC etc. She also points out that in other FIR, in which petitioner was arrested seven weapons were recovered from him.

6. Admittedly, PW-1 Suresh Kumar did not support the prosecution version and resiled from his statement recorded under Section 161 Cr.P.C., on the point of identity of petitioner. Further no other connecting evidence linking petitioner to the commission of offence has been brought to the notice of this Court. Considering the facts and circumstances, petitioner is admitted to bail on furnishing personal bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand only) with one surety in the like amount to the satisfaction of the learned trial court and subject to the following conditions:

- (i) Petitioner shall provide his mobile number to the Investigating Officer (IO) / SHO concerned at the time of release;
- (ii) In case of change of address, petitioner shall intimate / communicate his fresh address to the IO / SHO concerned as well as learned Trial Court; and
- (iii) Petitioner shall not threaten or influence the witnesses in any manner.



Application is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be sent to the learned Trial Court and Superintendent Jail for information.

ANOOP KUMAR MENDIRATTA, J

SEPTEMBER 17, 2024/v