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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 808/2024**
KAPIL MANN @ KALLUPetitioner
Through: **Mr. Akshay, Advocate.**

versus

STATE OF NCT OF DELHI THROUGH STATION HOUSE
OFFICER POLICE STATION PS BAWANARespondent
Through: **Mr. Yudhvir Singh Chauhan, APP for**
State with IO SI Bijay Kumar.

CORAM:
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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19.07.2024

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. 0364/2022 under Sections 302/34 IPC and Section 25/27 Arms Act registered at P.S. Bawana. Chargesheet has been filed under Sections 302/120B/34 IPC and Section 25/27 Arms Act.
2. In brief, as per the case of prosecution, on 15.05.2022, deceased is alleged to have been shot by three boys who came at the main gate of a plot on a Scooty. It was revealed from the CCTV footage that one of the said boys remained outside near the Scooty, while other two boys entered the plot and shot Parul (deceased). Later on, accused escaped on the same Scooty. During investigation, accused Mohit @ Atul @ Mota, Manish @ Sunny and Nashruddin, who were apprehended in another FIR No. 0244/2022, under Sections 398/401/216A IPC and 25/27/54/59 Arms Act,



PS Sadar, Sonipat, disclosed their involvements in the present case, which is alleged to have been committed on the directions of petitioner Kapil @ Kallu.

3. It is further the case of prosecution that on 25.07.2022, petitioner Kapil @ Kallu who was lodged in Tihar Jail, was interrogated and his disclosure statement was recorded, wherein it was revealed that offence was committed through his associates Nashruddin @ Nashrum, Manish @ Sunny, Mohit @ Atul @ Mota and Deepak @ Boxer. During investigation, a smart phone and a mobile charger was recovered from accused Kapil @ Kallu from Tihar Jail No. 3 alongwith SIMs, which was allotted to phone no. 7042028033 issued to a subscriber named Hanis. However, whereabouts of Hanis remained untraceable. Also, statement of Deepak @ Boxer was recorded, who alleged that Kapil @ Kallu (petitioner) had contacted him through Telegram, IMO, Instagram, Messenger, Signal, using fake ID/Phone Numbers. Mobile phone bearing no. 7042928033 is also stated to have been recovered by jail authorities.

4. Learned counsel for the petitioner submits that except for the recovery of mobile phone, there is no supporting evidence to establish contact or calls between petitioner (Kapil Mann) and Deepak @ Boxer or with any other accused, who were involved in the alleged murder.

5. Learned APP for State opposes the application and on instructions of IO submits that apart from recovery of said mobile phone from petitioner, there is no other connecting evidence to link by way of calls or messages. He further urges that murder is as a result of a gang war and expresses apprehension that petitioner may jump bail. Petitioner is further stated to be involved in several other heinous offences.



6. In view of admission by learned APP for the State that there is no connecting evidence to link the three accused, involved in the murder with Deepak @ Boxer or with the petitioner Kapil @ Mann @ Kallu, there appear to be no reasonable grounds to withhold bail, merely on account of involvement of the petitioner in other cases.

Considering the totality of facts and circumstances, petitioner is admitted to bail on furnishing a 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 on release;
- (ii) Petitioner shall not threaten or influence the witnesses in any manner;
- (iii) Petitioner shall not leave the NCT of Delhi without the prior permission of the learned Trial Court.

Application is accordingly disposed of.

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

Nothing stated herein shall tantamount to expression of opinion on the merits of the case.

ANOOP KUMAR MENDIRATTA, J

JULY 19, 2024/akc