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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1150/2024**

KESHAV TIWARI

..... Petitioner

Through: Mr. Kartik Kumar, Mr. Akash, Mr.
Manoj and Mr. Deepu Kumar,
Advocates.

versus

THE STATE GOVT NCT OF DELHI

..... Respondent

Through: Mr. Laksh Khanna, APP for State
with SI Anuj, P.S. Timarpur.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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06.05.2024

1. By way of present bail application filed under Section 439 Cr.P.C., the applicant seeks regular bail in FIR No. 125/2024 registered under Sections 392/397/394/411/34 IPC and Section 25 of the Arms Act, P.S. Timar Pur.
2. Learned counsel for the applicant states that applicant has been falsely implicated in the matter at the behest of the complainant. He submits that it was the complainant who had approached the applicant for the sale of his mobile phone. He further submits that though it is alleged that a gun has been recovered at the instance of the present applicant, however, the complainant himself has posed with the said gun on social media prior to the alleged incident. It is further submitted that the charge-sheet having been filed, applicant is no longer required for any further investigation. Lastly, it is submitted that the applicant is not found involved in any other case.



3. Learned APP for the State, on the other hand, has opposed the bail application. He contends that on the complaint being given by the complainant, the said mobile phone as well as a gun was recovered at the instance of the present applicant. Learned APP, however on instructions from the I.O., confirms that the present applicant is not found involved in any other case.

4. I have heard the learned counsels for the parties and perused the material available on record.

5. The bail application is accompanied by the photographs of complainant wherein he is seen carrying the same gun which is stated to be seized at the instance of the applicant. The mobile phone has already been recovered and has also been released to the complainant. Considering the period of custody and the fact that the charge-sheet has been filed, it is directed that the applicant be released on regular bail subject to him furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/ concerned Court/Duty M.M. and subject to the following further conditions :-

- i) The applicant shall not leave the NCR without prior permission of the concerned Court.
- ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.
- iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
- iv) The applicant shall not directly/indirectly try to get in touch with the



complainant or any other prosecution witnesses or tamper with the evidence.

v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.

6. The bail application is disposed of in the above terms.

7. Copy of the order be communicated to the concerned Jail Superintendent for information.

8. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

MANOJ KUMAR OHRI, J

MAY 6, 2024

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