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

+ **BAIL APPLN. 1902/2024**

NIKKI @VIKAS

.....Petitioner

Through: Mohd. Arif, Mr. Pranav Gupta, Mr. Siddhant Verma, Mr. S Tripathi, Mr. Himanshu Kalra, Mr. Saraswat, Mr. Saurabh Kumar, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State with Insp. Rajiv, PS: Malviya Nagar.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

24.07.2024

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1. This petition has been filed seeking regular bail in FIR no. 187/2017 registered at PS Malviya Nagar, under Sections 302/120-B/452/34 IPC & 25/54/59 Arms Act.
2. The petitioner was arrested on 12th May, 2017, and has been in custody since.
3. As per Nominal Roll about 4 year and 9 months have been spent in custody.
4. The petitioner was on interim bail from 11th September, 2020 to 27th March, 2021 and from 22nd May, 2021 to 07th April, 2023.
5. There are no previous involvements.
6. The co-accused Afroz Khan @ Chidda was granted bail by order of this



Court dated 18th December, 2023 whereas Manoj Kumar was granted bail by order dated 10th July, 2024.

7. Counsel for petitioner states that even as per the allegation the main conspirator in the matter was Manoj Kumar who has now been granted bail.

8. Considering the petitioner has been in custody for close to 5 years and trial is still to progress, with 28 out of 48 witnesses have been examined so far, the custody as an undertrial cannot be continued for an indefinite period.

9. Besides, there is no adverse report of any attempt to misuse the liberty or influence witness during the time when he was on interim bail for about 2 ½ years in total.

10. It is also stated that material witnesses have been examined, only official witnesses are left to be examined.

11. In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the petitioner behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioner. Consequently, the petitioner is directed to be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioner will not leave the country without prior permission of the Court.
- ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.



- iv. Petitioner shall join investigation as and when called by the IO concerned.
 - v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.
 - vi. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.
12. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.
13. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
14. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.
15. 'dasti'
16. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JULY 24, 2024/RK