



\$~7

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

+ BAIL APPLN. 2462/2024
AMIT@ VICKY@ JOLLYPetitioner

Through: Ms. Neha Kapoor and Mr. Kaushal
Mehta, Advocates.

versus

STATE OF NCT OF DELHIRespondent

Through: Mr. Manoj Pant, APP for the State
with Mr. Janhit Kumar, Mr. Dipanshu
Meena, Mr. Gaurav Kumar, Mr.
Karandeep Singh and Ms. Seema
Aggarwal, Advocates with SI Sachin,
P.S.: Baba Haridas Nagar.
Mr. Sudhir Vats, Mr. Piyush Gautam,
Ms. Lakshita Yadav, Mr. Rahul
Tukral, Mr. Sartak Vashist,
Advocates for the Complainant.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI
ORDER
29.08.2024

%

By way of the present petition under section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks regular bail in case FIR No. 493/2023 dated 14.10.2023 registered under sections 365/395/506/120-B/34 of the Indian Penal Code, 1860 ('IPC') and section 27 of the Arms Act, 1959 at P.S.: Baba Haridas Nagar, Delhi.



2. Notice on this petition was issued *vide* last order dated 18.07.2024. Though no nominal roll has been received from the concerned Jail Superintendent, status report dated 26.08.2024 has been filed by the State.
3. Ms. Neha Kapoor, learned counsel appearing for the petitioner points-out, that it is evident from the record available before this court that the petitioner was *first* arrested by the police in case FIR No. 694/2023 dated 14.10.2023 registered under sections 25/27/54/59 of the Arms Act, 1959 at P.S.: Narela, Delhi at 03:40 a.m. *vide* Arrest Memo dated 14.10.2023, which shows the time of his arrest as 03:00 p.m.
4. Ms. Kapoor submits, that it is apparent that in an act of false implication, the petitioner has also been implicated in case FIR No.493/2023 dated 14.10.2023 registered under sections 365/395/506/120B/34 IPC and section 27 of the Arms Act, 1959 at P.S.: Baba Haridas Nagar, Delhi, which second FIR came to be registered at 09:35 a.m. Counsel submits that it is noteworthy that the incident that is subject-matter of FIR No. 493/2023 is alleged to have occurred on the night of 13/14.10.2023. Most importantly, Ms. Kapoor points-out, that admittedly in the TIP proceedings conducted on 20.10.2023, the complainant/Ravi Dabas has failed to identify the petitioner. A copy of the TIP proceedings conducted by the learned Metropolitan Magistrate, Dwarka Courts, New Delhi, has been appended to the bail petition. Counsel further submits, that it is also seen that of the 07 accused persons in the subject FIR, 05 others have been duly identified and 01 is absconding.



5. Ms. Kapoor has also drawn attention to certain discrepancies in the identification of the car, which is supposed to have been used in connection with the offence that is subject-matter of the subject FIR.
6. In the circumstances, Ms. Kapoor prays that the petitioner be enlarged on regular bail.
7. On the other hand, opposing the grant of bail, Mr. Manoj Pant, learned APP for the State submits, that the accused is one of the main conspirators in the offences alleged in the subject FIR; and that when the petitioner was apprehended, a sum of about Rs. 69 lacs were recovered from him. Mr. Pant further submits, that though the petitioner has *not* been identified by the complainant in the TIP proceedings, he can be seen in the CCTV footage recovered in the matter.
8. Though the petitioner's nominal roll is not on record, it is not disputed that the petitioner has been in custody in the present case since 18.10.2023; that he has not availed any interim bail; that his jail conduct has been 'satisfactory'; and that there is no other adverse comment in relation to his jail conduct. It is also noticed that, as evidenced by SCRB Report dated 26.08.2024 filed alongwith the status report, the petitioner has only 01 other criminal implication, which relates to an incident of the same date as the subject FIR.
9. Chargesheet is stated to have been filed in the matter and charges have also been framed on 29.08.2024.
10. Upon a conspectus of the facts and circumstances of the case, the court is persuaded to admit the petitioner – **Amit @ Vicky s/o Satbir** – to *regular bail* subject to the following conditions :



- 10.1. The petitioner shall furnish a personal bond in the sum of Rs.25,000/- (Rupees Twenty-five Thousand Only) with 01 surety in the like amount from his wife, to the satisfaction of the learned Trial Court;
- 10.2. The petitioner shall furnish to the Investigating Officer a cellphone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
- 10.3. If the petitioner has a passport, he shall surrender the same to the learned Trial Court and shall not travel out of the country without prior permission of the learned Trial Court;
- 10.4. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial;
- 10.5. In case of any change in his residential address/contact details, the petitioner shall promptly inform the I.O. in writing;
- 10.6. Since the petitioner is facing trial and is therefore appearing before the learned Trial Court from time-to-time, it is not considered necessary to impose a reporting requirement as a condition of bail.
11. Nothing in this order shall be construed as an expression of opinion on the merits of the pending matter.



12. A copy of this order be sent to the concerned Jail Superintendent *forthwith*.
13. The petition is disposed-of.
14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

AUGUST 29, 2024/ak