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

+ **BAIL APPLN. 4128/2023**

AADITYA ALIAS PRABHU ALIAS VIKAS Petitioner

Through: **Mr. Vishwendra Verma, Ms. Shivali
and Mr. Archit, Advocates.**

versus

STATE

..... Respondent

Through: **Mr. Laksh Khanna, APP for State
with Inspector Suresh Chand and SI
C.S. Yogi PS Khyala, Delhi.**

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **31.01.2024**

1. By way of present bail application filed under Section 439 read with Section 482 Cr.P.C., the applicant seeks regular bail in FIR No. 1027/2020 registered under Sections 302/120B/34 IPC and 25/27 of Arms Act at Police Station Khyala, Delhi.
2. Learned counsel for the applicant contends that the only role assigned to the applicant is that he had accompanied co-accused Pawan who had allegedly fired the fatal shot. It is further submitted that both the eye witnesses namely Dharmender Singh and Mukesh have been examined in the trial and neither of them supported the prosecution case in as much as the applicant and co-accused were not identified and even their presence at the spot is also not spoken of. Further, Pawan has already been released on regular bail. Lastly, it is stated that the applicant is in custody since 22.12.2020 and is not involved in any other case
3. The bail application is vehemently opposed by the learned APP for



the State. It is stated that the incident was recorded on CCTV footage and through call detail records. The present applicant has also fired a gun shot in the air and during investigation, the said gun has also been recovered.

4. Considering the fact that the two eye witnesses have not supported the case of the prosecution and till date, only 12 out of 44 witnesses have been examined and the further fact that the main accused namely Pawan has already been granted regular bail, it is directed that the applicant be released on regular bail subject to his furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the concerned Trial Court/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.
- vi) The applicant shall report to SHO/IO of PS Khyala, Delhi on every Sunday between 10 am to 2 pm.

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

6. Copy of the order be communicated to the concerned Jail



Superintendent electronically for information.

7. Copy of the order be uploaded on the website forthwith.
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

JANUARY 31, 2024/rd