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

+ **BAIL APPLN. 97/2025**

MANISH MISHRA

.....Petitioner

Through: Mr. M.L. Yadav, Mr. Harish Chand,
Mr. Deepak Kumar Ahlawat, Mr.
Anant Chittoria, Mr. Prashant, Ms.
Vipakshi Rana, Mr. PC Arya,
Advocates.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Tarang Srivastav, APP with SI
Yashveer Sharma, Insp. Yogesh
Kumar, PS-Govindapuri, Insp. Sunil
Kumar, PS-Domestic Airport.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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11.09.2025

1. The present bail application has been filed under Section 483 of the BNSS, 2023 read with Section 439 Cr.P.C, seeking grant of regular bail in FIR No. 474/2023, P.S. Govindpuri, under Sections 302/201/120-B/34 IPC & 27 Arms Act.
2. The FIR was registered on the statement of Smt. Geeta @ Nazma, wife of the deceased Sanjeev Kumar, who was brought dead to Majidia Hospital on 06.07.2022 with gunshot injuries. Investigation revealed that the deceased's two wives, Geeta (first wife) and Geeta @ Nazma (second wife), along with Komal (daughter of the first wife), had conspired for nearly two to three years to murder him due to his cruel behaviour, and had engaged co-



accused Akbal Ansari to arrange a contract killer, Nayum Ansari, for Rs. 30 lakhs. On 06.07.2022, petitioner Manish Mishra allegedly drove a motorcycle arranged from his cousin while Nayum fired upon the deceased near Deepalaya School, Govind Puri, after which they fled the spot. During investigation, mobile phones, CDRs showing 942 calls between the petitioner and Nayum, a KTM motorcycle used in the crime, and witness statements including that of the deceased's minor son identifying the petitioner, were collected.

3. Thereafter, the petitioner and other co-accused were arrested, and charge sheet under Sections 302/201/120-B/34 IPC and 25/27 Arms Act was filed against them.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The only eye witness, who is the minor son of the deceased (PW-4), has turned hostile and has not supported the prosecution case. He has not identified the petitioner. He did not note down the number of the offending motorcycle. The petitioner's name has emerged only in the disclosure statement of accused Nayum, who alleged that he received Rs. 20,000/- from the daughter of the deceased and Rs. 2000/- was transferred to the petitioner, which fact remains unsubstantiated. It is submitted that co-accused Akbal Ansari, Geeta @ Nazma (second wife), Geeta (first wife) and Komal have since been enlarged on bail.

5. The learned counsel further submits that the chain of circumstances, sought to be relied upon, is incomplete and does not connect the petitioner with the alleged offence, his implication being solely on the disclosure statements of the co-accused. It is submitted that the only role attributed to the petitioner is that he was riding the motorcycle while co-accused Nayum



fired upon the deceased. He submits that reliance on CDRs, without proof of motive, is insufficient to establish the guilt of the accused.

6. Learned APP for the State, even though, opposes the grant of bail to the petitioner, fairly states that the only eye witness i.e. PW-4, the minor son of the deceased, has turned hostile and has not identified the accused persons in court. However, he states that CDR of petitioner reveals that he was in contact with the other co-accused persons. The analysis of the CDR reveals the presence of the petitioner at the place of occurrence. He states that deceased was married with two women and as per the CDR, there were as many as 942 calls exchanged between co-accused Nayum Ansari and the petitioner for over a period of one year. It has submitted that the petitioner has played a vital role as he arranged the motorcycle from his cousin, who lived in Lajpat Nagar and as per the disclosure statement of co-accused Nayum Ansari, he had transferred Rs. 2000/- in the name of the wife of the petitioner through electronic mode. It is argued that the allegations are grave and serious in nature, and therefore, petitioner is not entitled for being released on bail.

7. Admittedly, the only eye witness of occurrence, in his testimony before the court, has not identified the petitioner. Applicant was not apprehended at the spot. Motorcycle driven by him has not been shown to be recovered from the spot. PW-4 did not tell the number of the said motorcycle. The weapon of offence has also not been recovered.

8. The Call Detail Records, may at best, prove the presence of the petitioner at the place of occurrence and his being in regular touch with the co-accused persons. Status Report does not reflect that except for the disclosure statement of co-accused Nayum Ansari, there is any evidence of



transfer of Rs. 2000/- to the wife of the petitioner through WhatsApp.

9. Admittedly, co-accused Geeta (first wife), Komal, Akbal Ansari and Geeta @ Nazma (second wife), who are alleged to be the part of the conspiracy, have already been enlarged on bail. Petitioner has been in judicial custody for more than three years, the trial is likely to take considerable time and the evidence against the petitioner does not appear sufficient to justify continued incarceration, the petitioner is therefore entitled to the benefit of bail.

10. Accordingly, the present application is allowed and petitioner is directed to be released from custody upon furnishing a personal bond of Rs. 50,000/- with one surety of the like amount to the satisfaction of the Trial Court/Duty Magistrate subject to the following conditions;

- a) the petitioner shall regularly appear before the IO/trial court as and when directed;
- b) the petitioner shall not directly or indirectly make any inducement, threat, intimidate or tamper with any person acquainted with the facts of the case;
- c) the petitioner shall remain available on the address, to be given to the IO and shall not leave the State of Delhi/NCT without the permission of the learned Trial Court;
- d) In case of change of residential addresses and/or mobile number, the petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.

11. The petition alongwith any pending application is accordingly disposed of. However, nothing stated in the order shall tantamount to an



expression on the merits of the case.

12. A copy of this order be sent to the Jail Superintendent for necessary compliance.

RAVINDER DUDEJA, J

SEPTEMBER 11, 2025/na