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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 261/2025**
ARVIND@BINDA

.....Petitioner
Through: Mr. Gaurav Kochar, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI

.....Respondent
Through: Mr. Utkarsh, Ld. APP for the State
along with Insp. G.R. Meena P.S.
Gokalpuri.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
24.04.2025

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1. A Bail Application under Section 483 BNSS and Section 439 of Cr.P.C has been filed on behalf of the Petitioner for grant of Bail in case FIR No.375/2018 under Section 302/34 IPC/ 103/3(5) of BNSS registered at Police Station Gokal Puri.
2. It is submitted that the Accused was arrested in this case on 06.08.2018 on the basis of Disclosure Statement of the Co-accused Rahis. Nothing incriminating was recovered at the instance of the Petitioner. Charges were framed on 15.01.2019. All the material witnesses have been examined except PW Sadik who is not traceable for the last six years and has been dropped by the Prosecution.
3. The case of the Prosecution is based on circumstantial evidence, wherein the last seen evidence was of Sadik who is not traceable. The



Petitioner was released on Interim Bail during COVID-29 Pandemic and he never misused the liberty. Out of the 53 Prosecution witnesses, only 10 witnesses have been examined and the trial may take long time. Hence, a prayer is made for grant of Regular Bail.

4. The State in its **Status Report** has given the details of the investigations forming part of the Chargesheet. It is submitted that the Bail Applications of co-accused Rahis Ahmed have been dismissed by the learned Trial Court a number of times. It is submitted that having regard to the gravity of the offences, the Bail Application is liable to be dismissed.

5. **Submissions heard and record perused.**

6. The case of the Prosecution rests on circumstantial evidence and there is no eye witness to the crime. Sadik who is the witness of last seen, is not traceable. The other circumstantial evidence is of the connectivity of all the accused on mobile phone and their location at the scene of crime.

7. Though the offence is grave, but it rests essentially on circumstantial evidence. Most of the material witnesses have been examined. The Applicant is in Judicial Custody since last seven years. Only 10 witnesses out of the total 53 witnesses have been recorded, the trial is likely to take long time.

8. Considering the totality of circumstances, the accused is granted Regular Bail, on the following terms and conditions:

- a) The petitioner/accused shall furnish a personal bond of Rs.35,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.
- b) The petitioner/accused shall appear before the Court as and when the matter is taken up for hearing;



- c) The petitioner/accused shall provide his mobile number/changed mobile number to the IO concerned which shall be kept in working condition at all times;
 - d) The petitioner/accused shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses.
 - e) In case the petitioner/accused changes their residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.
9. The copy of this Order be communicated to the concerned Jail Superintendent as well as to the learned Trial Court.
10. The Bail Application is accordingly disposed of.

NEENA BANSAL KRISHNA, J

APRIL 24, 2025/va