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

+ **BAIL APPLN. 363/2025**

SANJAY

.....Petitioner

Through: Counsel for Petitioner (appearance
not given)

versus

THE STATE GOVT OF NCT DELHI

.....Respondent

Through: Ms. Meenakshi Dahiya, APP for the
State ASI Sudhir Kumar, PS Seema
Puri.
Mr. Prakash Khandelwal, Advocate
for victim.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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28.01.2025

CRL.M.A. 2571/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

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3. *First Bail Application old under Section 438 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C')* read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.)* has been filed on behalf of the Petitioner, Sanjay for grant of Anticipatory Bail in *Case FIR No. 811/2024* under Section 109(1) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Seemapuri,



Delhi.

4. As per the case of the statement of the Complainant, the Petitioner, Sanjay along with the other accused, Chetan, Yuvraj and Sushil, entered into a conspiracy to kill the Complainant and consequently, the fifth accused, Faisal was called and they all, on 22.12.2024, went to the shop of the Complainant. While the Complainant was going to purchase the cake for the birthday of his daughter from the said shop, he was attacked by all the named four persons, along with Faisal and 14 stabbed injuries were inflicted on various parts of his body. Thus, the case under 307/34 Indian Penal Code, 1860, was registered.

5. The co-accused, Chetan has been arrested on 24.12.2024, who gave a Disclosure statement giving the complicity of all the named accused persons.

6. The Complainant also has stated that all the accused persons, who have a property dispute with the Complainant, had conspired to kill him, for which purpose they hired one Faisal @ Mental, by giving him Rs.25,000/- to kill the Complainant.

7. *Learned counsel for the Applicant*, has sought Bail on the ground that he has been falsely named by the Complainant. Pertinently, he was found fit for statement on 22.12.2024 while he was admitted in the hospital, but intentionally did not give any statement, till the next day on 23.12.2024 wherein the accused has been named wrongly.

8. It is submitted that the Petitioner was not present at the scene of crime, which can be established on the CCTV footage available to the Petitioner of the scene of crime. He has been implicated falsely in this case by the Complainant and his father, without any rhyme and reason.



Furthermore, there are no chances of the Applicant absconding or tempering with the prosecution evidence. No custodial interrogation is required and no fruitful purpose would be served in remanding the Petitioner to judicial custody. Hence, the Anticipatory Bail is sought by way of the present Application.

9. *Learned APP for the State has submitted* that there are as many as 14 stabbed injuries on the person of the Complainant. Furthermore, though the Complainant was found fit to give a Statement on 22.12.2024 but the Investigating Officer found him not being able to make the Statement. Consequently, it has been recorded on the very next date i.e. 23.12.2024. It is further submitted that the Applicant was present in his shop, which is barely adjacent of 50 meters and would have taken no time to him to reach the scene of incident. At this stage, it cannot be claimed that the Complainant has falsely implicated the Applicant and the other co-accused persons.

10. Learned APP further submits that looking at the gravity of the offence, where there was a killer hired to kill the Complainant on payment of Rs.25,000/-, no case is made out for grant of Bail.

11. *Learned counsel for the Complainant also* submits that looking at the gravity and the seriousness of the offence, no Anticipatory Bail be granted.

12. **Submissions heard and the record perused.**

13. There are serious allegations against the Applicant that he along with the three other accused persons, had hired the fifth accused Faisal, to kill the Complainant and as many as 14 stabbed injuries, have been caused on the person of the Complainant.

14. Learned ASJ has observed that a CCTV Footage may be furnished to



the Investigating Officer for verification.

15. Learned APP for the State, on instructions, states that the Application has already been filed with PWD to get the said CCTV Footage. It is also stated that no video has been provided by the Applicant.

16. The Applicant is directed to make available entire CCTV footage today itself so that the same can be verified by the Investigating Officer.

17. Considering the initial stage of the investigations and the gravity of the allegations, no case is made out for grant of Anticipatory Bail and the Application is hereby, dismissed.

18. The Bail Application is disposed of accordingly.

NEENA BANSAL KRISHNA, J

JANUARY 28, 2025/RS