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

+ **BAIL APPLN. 616/2025 & CRL.M.A. 4364/2025**

MOHIT @ KUDU

.....Petitioner

Through: **Mr. Raj Kumar, Advocate**

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: **Mr. Laksh Khanna, APP for the State
Insp. Abhishek Verma, P.S. I.P.
Estate**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **12.02.2025**

CRL.M.A. 4364/2025 (for exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

BAIL APPLN. 616/2025

3. The captioned application has been filed under Section 483 read with section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') seeking interim bail for a period of seven (7) days in FIR No. 122/2024 under Sections 302/148/149/120B/34 of the Indian Penal Code, 1860 (IPC) and Sections 25/27 Arms Act, 1959 registered at Police Station I.P Estate, Delhi.

4. Learned counsel for the Applicant states that the marriage of the sister of the Applicant is scheduled for 14.02.2025. He states that recently the grandmother of the Applicant also passed away on 03.02.2025. He states



that both these facts have been verified by the State and therefore, the Applicant seeks interim bail for a period of 7 days to attend the wedding of his sister.

5. Issue notice. Learned APP accepts notice. He states on instructions from the Investigating Officer (I.O.) that the Applicant herein is the main accused who hatched the conspiracy with associate Prashant to murder the deceased namely Nand Kishore Choudhary. He states that the Applicant herein is also under trial in a separate FIR No. 532/2022 registered under Sections 392/34 IPC registered at P.S Sabji Mandi and his associate Prashant is also a co-accused in the said FIR.

6. He states that the Applicant was previously granted bail in FIR No. 532/2022. During that period, the Applicant allegedly committed the offense that led to the present FIR, No. 122/2024. He states that the deceased was killed by a group of 26 individuals, including 18 adults and 8 CCLs. The motive behind the crime was reportedly linked to accused Prashant's relationship with a girl named Priyanka, who is a resident of Anna Nagar, ITO, Delhi. Her brother and his friends had assaulted accused Prashant, and in an act of revenge, the accused herein murdered the deceased, who was also a resident of Anna Nagar, ITO, Delhi.

7. He states that the chargesheet has been filed and the matter is at the stage of framing of charges. He states that there are two eye-witnesses in this case namely Mr. Chandra Shekhar and Mr. Kuppuswamy. He states that given the past criminal priors and the gravity of the offence in the subject FIR as well as the vulnerability of the eye-witnesses, the State is opposing the relief of interim bail.

8. He states that if the Applicant chooses, he may be granted custody



parole to attend the wedding on 14.02.2025. He states that the policemen will accompany the accused in plain clothes.

9. In response, learned counsel for the Applicant states that the Applicant does not wish to attend the wedding on 14.02.2025 in custody parole.

10. In view of the facts noted hereinabove, this Court is satisfied that given the gravity of the offence in the present FIR No. 122/2024 as well as the fact that the Applicant herein was infact on bail in another FIR No. 532/2022, when the offence was committed by him, this Court finds merit in the submissions of the prosecution as regards their apprehension qua the safety of the eye witnesses.

11. The trial is at a crucial stage and this Court does not find the ground of marriage as a reasonable basis for granting interim bail; as it may jeopardize the trial.

12. Accordingly, the present petition is dismissed.

13. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 12, 2025/msh/AKT

Click here to check corrigendum, if any