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

+ **BAIL APPLN. 692/2025**

DEV KUMAR ALIAS BHURA

.....Petitioner

Through: Ms. Ria Goyal, Advocate

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Laksh Khanna, APP for the State
with SI Sandeep Singh, P.S. Ghazipur

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

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20.03.2025

[Physical Hearing/Hybrid Hearing (as per request)]

CRL.M.A. 4933/2025 (exemption)

1. Allowed, subject to all just exceptions.

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2. The applicant, suffering incarceration since December 2022 in the case FIR No. 428/2022 of P.S. Ghazipur for offences under Sections 392/397/411/34 IPC seeks to be released on bail. Broadly speaking, the allegation against the applicant is that he placed knife at the neck of the victim and his associate took out purse of the victim while another associate took out his mobile phone. The victim initially did not know any of the three assailants. After the incident, the victim went to his acquaintance and disclosed the incident to the latter, who called police. But the victim opted not to give his statement. It is on the next day that the victim visited the police station and on his statement FIR was registered. Initially, the accomplices of the applicant were apprehended. The applicant was subsequently arrested after filing of the chargesheet. According to the supplementary chargesheet, the applicant was arrested on the basis of a



secret information. No TIP was conducted. The amount allegedly robbed was Rs. 650/-. The alleged robbery took place on 03.08.2022 while the applicant was apprehended and arrested on 26.12.2022.

3. Learned prosecutor opposes the bail application on the ground that the applicant was identified by the victim during his testimony in trial and also on the ground of antecedents of the applicant. It is also argued that the knife allegedly used in the incident was recovered from possession of the applicant.

4. So far as the identification of the applicant is concerned, as mentioned above, admittedly the victim did not know any of the accused persons and none of the accused persons was apprehended from spot; no TIP was carried out. In such circumstances, the legal position is well settled that first identification in the course of trial is inconsequential atleast for the purposes of bail, where the accused was apprehended almost four months after the incident. As regard the antecedents, the Nominal Roll reflects involvement of the applicant in only one case bearing FIR No. 724/2022 for offences under Sections 325/341/34 IPC in which he is on bail. As regards the knife allegedly recovered from possession of the applicant, *prima facie* there is no material on record to connect the same with the offence.

5. Considering the above circumstances, the application is allowed. The applicant be released on bail subject to his furnishing personal bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the Trial Court.

GIRISH KATHPALIA, J

MARCH 20, 2025/rk

[Click here to check corrigendum, if any](#)