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

+ **BAIL APPLN. 953/2025**

JITENDER KUMAR MAURYA

.....Petitioner

Through: Mr. Randheer Singh, Advocate.

versus

THE STATE GOVT OF NCT

.....Respondent

Through: Mr. Yudhvir Singh, APP for the State
with SI Sargam, Ps Adarsh Nagar

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **29.04.2025**

1. The Second Petition has been filed under Section 483 of the BNSS Act for grant of regular bail in FIR No. 163/2021, P.S Adarsh Nagar, under Sections 394/397/34 IPC and 27 Arms Act.
2. It is submitted that the FIR under Section 394/397/34 IPC and 27 Arms Act was registered on 06.04.2021, but none could be apprehended. After about 10 months, information was received from PS Wazirabad that the applicant had been arrested in FIR No. 225/2022, wherein allegedly he made a Disclosure Statement of having committed the offence in the present FIR. He was arrested in this case on 23.03.2022 and since then he is in judicial custody.
3. It is submitted that he has nothing to do with the alleged offence and the only evidence against him is the disclosure statement of the co-accused, which is inadmissible. Pertinently, no recovery has been affected from him.



He is an innocent person who has been falsely implicated in this case. His involvement has been shown in three other cases but that too, is also on the basis of his alleged disclosure statement. There is no evidence to show that he was physically present on the spot at the time of commission of offence.

4. The co-accused Surender Varma has already been granted bail. The third co-accused Abhishek Rana though arrested had been discharged as he was not identified by the complainant in the TIP.

5. It is therefore submitted that he be granted regular bail.

6. The Status Report has been filed on behalf of the State wherein it is submitted that during the investigations, co-accused Surender Varma was arrested on the basis of secret information from Gonda, UP and chequebook of the complainant was recovered from his possession. The motorcycle used in the commission of the offence was also recovered.

7. Surender Varma disclosed the name of the two other Accomplices, ie. the present applicant Jitendra Kumar Maurya and Abhishek Rana. Abhishek Rana could not be traced, while Jitendra Maurya was arrested formally in this case after he got arrested in FIR No. 225/2022 dated 23.03.2022.

8. It is submitted that the applicant had refused to participate in the TIP proceeding. The Supplementary Charge Sheet has also been filed against the Applicant.

9. The Bail Application is opposed **on the grounds** that the alleged offence is grave in nature. He has been involved in similar kind of offences. Furthermore, he had an active role in the present case and he had shot at the complainant in his arm at the time of commission of offence. The incident was recorded in CCTV camera installed at the place of offence. The applicant had deposited Rs. 1,90,500/- in his HDFC bank account on



06.04.2021 which was transferred from Umra Telecom through Manigram. He along with co-accused had run away to Lucknow and stayed in Metro Hotel near Alam Bagh Lucknow which has been verified from the Guest Register where all the three accused had furnished their ID proof.

10. It is further submitted the testimony of the Complainant has been recorded and he has duly identified the applicant. It is, therefore, submitted that the Bail Application be dismissed.

11. **Submissions heard and record perused.**

12. The accused is in judicial custody since 23.05.2022. The statement of the complainant has already been recorded. The trial is not likely to get concluded in near future as out of 25 prosecution witnesses, evidence of only two have been recorded.

13. In the totality of circumstances, the petitioner is granted regular bail subject to the following 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 his residential address, the same shall be intimated to learned Trial Court and to the



concerned I.O.

14. The copy of this Order be communicated to the concerned Jail Superintendent, as well as, to the learned Trial Court.
15. The petition is disposed of.

NEENA BANSAL KRISHNA, J

APRIL 29, 2025/n