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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **BAIL APPLN. 1027/2025**

VIJAY MANN @ KAPIL .....Applicant  
Through: Mr. Akshay, Ms. Shivangi  
Shokeen & Mr. Dinesh  
Ashok, Advs.

versus

STATE OF NCT OF DELHI .....Respondent  
Through: Mr. Sunil Kumar Gautam,  
APP for the State  
SI Mohan Lal, PS- Alipur

**CORAM:**  
**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**ORDER**

% **02.05.2025**  
**CRL.M.A. 13442/2025 (for exemption) & CRL.M.A. 10832/2025 (for exemption)**

1. Exemptions allowed, subject to all just exceptions.
2. These applications stand disposed of.

**BAIL APPLN. 1027/2025, CRL.M.A. 10831/2025 & CRL.M.A. 13441/2025**

3. The present application is filed seeking regular bail in FIR No. 605/2024 dated 01.10.2024, registered at Police Station Alipur, for offences under Sections 308(4)/125/3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS') and Sections 25/27 of the Arms Act, 1959.

4. The FIR was registered pursuant to the complaint made by the complainant, namely, Narender Singh, alleging that on 01.10.2024, two unknown boys came to his godown and fired one round in the air. It was alleged that they also gave a piece of paper which contained a threatening note from the notorious



Gogi gang. The Police, on reaching the place of incident, found one live cartridge and one empty cartridge.

5. During investigation, CCTV footages were obtained and it was found that three CCLs came to the complainant's godown, out of which, one remained outside on a motorcycle and two boys went inside to extend the threat by handing over a note and also firing one round in the godown.

6. The CCLs were apprehended and a pistol along with live cartridges was recovered at the instance of one of the CCLs. It is alleged that during interrogation, the CCLs revealed the name of few co-accused persons, who were their associates.

7. The Police also found that the father of one of the CCL had given a written complaint against two co-accused persons stating that they had made his son and two other boys to meet one gangster, namely, Paras and induced them to join the gang and fire at some places for extortion.

8. Some more co-accused persons were arrested whose names were disclosed by the CCLs. It is alleged that during interrogation, co-accused Paras revealed the name of the applicant and alleged that the applicant had provided the contact number of one Monty Mann and made him talk to Monty Mann. It is alleged that it was further disclosed that the applicant and Monty Mann, who belong to the Gogi gang, hatched a conspiracy and asked co-accused Paras to engage new boys to commit the crime, whereafter, the present offence was committed by the three CCLs.

9. Chargesheet has been filed against the applicant for the offences under Sections 308(4)/125/111/61/3(5) of the BNS and Sections 25(8)/27 of the Arms Act.

10. The learned counsel for the applicant submits that the



applicant is innocent and he has been falsely implicated in the present case.

11. He submits that at the time of incident, the applicant was in custody in another FIR, being, FIR No. 252/2018. He submits that the applicant was in custody in regard to stringent offences under Sections 3 and 4 of Maharashtra Control of Organised Crime Act, 1999 ('MCOCA').

12. He submits that the applicant filed an application pleading guilty in the said FIR and the Police authorities, in order to keep the applicant in custody, have falsely implicated him in the present case.

13. He submits that there is no evidence against the applicant except the disclosure statement of the co-accused, which was made by him while in custody. He submits that the disclosure statement is not admissible in evidence.

14. He submits that the investigation is already complete and the chargesheet has already been filed. He submits that no purpose would be served by keeping the applicant in custody.

15. *Per contra*, the learned Additional Public Prosecutor vehemently opposes the grant of any relief to the applicant. He submits that the applicant has prior criminal involvement under MCOCA and the offence alleged is serious in nature.

16. I have heard the counsel and perused the record.

17. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the



witnesses being threatened, etc. However, at the same time, period of incarceration is also a relevant factor that is to be considered.

18. As per the prosecution, the role of the applicant is that he had conspired with other co-accused persons and hatched the conspiracy to commit the crime, pursuant to which, CCLs had fired the round in the godown of the complainant and given him the note with the threat.

19. Undisputedly, at the time of the alleged incident, the applicant was in custody. At this stage, the entire case against the applicant is based on the statement of the co-accused and there is no other evidence against him.

20. While the veracity of the disclosure statement of the co-accused will be seen during the trial, at this stage, it cannot be ignored that the chargesheet has already been filed. It is not the case of the prosecution that if the applicant is released, the same will hamper any further investigation.

21. The applicant was formally arrested in the present case on 06.11.2024 and has remained in custody since then. The object of jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment. In the opinion of this Court, no purpose would be served by keeping the applicant in custody.

22. It is also pertinent to note that co-accused Eklavya, whose name had been disclosed by the CCLs who committed the offence and who is alleged to have been in direct touch with the CCLs, has already been enlarged on bail by the learned Trial Court. It is further pointed out that some of the other co-accused persons have also been enlarged on bail.



23. Insofar as the prior involvement of the applicant is concerned, by order dated 06.03.2025, in SC No. 477/2018 arising out of FIR No. 252/2018, registered at Special Cell, the learned Trial Court noting that the applicant has pleaded guilty, had sentenced the applicant to a period of custody already undergone along with total fine of ₹7 lakhs. The learned Trial Court had considered the mitigating circumstances and noted that the applicant was in custody since 13.11.2018. The learned Trial Court also took note of the socio-economic report reflecting the family condition of the applicant. The said prior involvement of the applicant cannot act as a bar against grant of relief to the applicant.

24. In view of the above, the applicant is directed to be released on bail (if not in custody in any other case) on furnishing a personal bond for a sum of ₹50,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- b. The applicant shall under no circumstance leave the country without the permission of the learned Trial Court;
- c. The applicant shall appear before the learned Trial Court on every date of hearing, unless his appearance is exempted;
- d. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned



IO/ SHO;

- e. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;
- f. The applicant shall, upon his release, mark his presence with the concerned IO once everyday in the evening.

25. In the event of there being any FIR/DD entry / complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

26. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

27. The present bail application is allowed in the aforementioned terms. Pending applications stand disposed of.

**AMIT MAHAJAN, J**

**MAY 2, 2025**

**“SS”**