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

+ **BAIL APPLN. 1404/2025**

MANMOHAN ALIAS GAURAV & ANR.Petitioners

Through: Mr. Gajraj Singh, Ms. Sakshi Sachdeva, Ms. Ritika Rajput & Ms. Ayushi Gupta, Advs.

versus

THE STATE GOVT. OF NCT OF DELHIRespondent

Through: Ms. Priyanka Dalal, APP for the State.
Insp. Dinesh Kumar & SI Satender.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

22.05.2025

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1. This hearing has been done through hybrid mode.
2. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 439 of the Cr.P.C.) seeks regular bail in case FIR No. 240/2022, under Sections 307/302/201/120B/482/34 of the IPC read with Sections 25/27/54/59 of the Arms Act, 1959 registered at P.S. K.N. Katju Marg.
3. Status report dated 17.05.2025 authored by Insp. Parmod Kumar, SHO/K.N. Kaju Marg has been handed up in Court and the same is taken on record. As per the said status report, the case of the prosecution is that on 23.03.2022, a PCR call *vide* DD No. 121A was received at P.S. K.N.K. Marg regarding firing in Sector 16, Rohini. Upon receiving the said information, the concerned personnel from the police station reached the spot where blank cartridges were found near a white Jaguar and white Swift Car. During



enquiry, it was found that the injured person has been taken to BSA Hospital for treatment. On reaching the said hospital, the MLC of the injured witness namely Shekhar Rana @ Sannata, was obtained to the effect that he was undergoing treatment. Later the said injured person was transferred to Max Hospital, Shalimar Bagh for further treatment, where he succumbed to the injuries. Accordingly, Section 302 of the IPC was invoked in the present case.

4. During investigation, on 29.03.2022, the present applicant was arrested and in his disclosure statement, he confessed that he had hatched the conspiracy with co-accused Jatin Rana, to murder the deceased. It is further stated that the said conspiracy was hatched with the assistance of another co-accused Rohit@ Moi.

5. During investigation at the instance of the present applicant, one Splendor bike was recovered which was allegedly used by the shooters after the incident. It is also the case of the prosecution that the present applicant was identified by one person, namely, Ayaan, who was present at the spot at the time of commission of the offence.

6. Learned counsel appearing on behalf of the applicant submits that the case of the prosecution with respect to the present applicant being present at the spot was by way of a statement of one eyewitness, Ayaan, who has since been examined before the learned Trial Court as PW-2 and has not supported the case of the prosecution. It is submitted that apart from the bike, which is alleged to have been recovered at the instance of the applicant, there is no other admissible evidence on record to connect the applicant with the offence. It is further pointed out that even the CCTV footage does not reflect the registration number of the bike, which was alleged to have been used by the shooters at the time of the incident. It is pointed out that co-accused Jatin



Rana has already been granted bail by this Court *vide* order dated 14.02.2025 in **BAIL APPLN. 3717/2024**. It is further submitted that the 5 public witnesses, who have been cited, have since been examined and the rest are formal witnesses. It is submitted that there is no other witness to be examined *qua* the present applicant.

7. Learned APP, on instructions of the Investigating Officer, submits that the present case is of conspiracy, and the bike which was used by the shooters has been recovered from the present applicant and it is the case of the prosecution that the present applicant had provided the logistics to the shooters to commit the offence.

8. Heard the learned counsel for the parties and perused the records.

9. The case of the prosecution with respect to the present applicant as reflected in the status report is the disclosure statement of the applicant. The other witness cited by the prosecution in support of their allegations with respect to the presence of the applicant at the spot was Ayaan, who has since been examined as PW-2 and has not supported the case of the prosecution. Learned APP, on instructions, confirms the contentions of the learned counsel appearing on behalf of the applicant that the registration number of the bike is not visible in the CCTV footage. It is also confirmed that the examination of the 5 public witnesses cited by the prosecution is complete. The prosecution has cited 41 witnesses out of which 5 have been examined so far.

10. The Nominal Roll dated 15.05.2025 received from Superintendent of Prison, Central Jail No. 8/9, Tihar, New Delhi, shows that the applicant has been in custody since 29.03.2022 and as on 13.05.2025, he has undergone incarceration for a period 3 years 1 month and 15 days. The nominal roll further reflects that the applicant was involved in one other FIR No.



1060/2023 under Sections 336/387/506/120B/34 of the IPC and Sections 25/27 of the Arms Act registered at P.S. Wazirabad in which he is stated to be on bail.

11. In totality of the facts and circumstances, the present application is allowed. The applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 50,000/- with two sureties of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions:

- i. The applicant shall not leave India without prior permission of the learned Trial Court.
 - ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
 - iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - iv. The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
 - v. The applicant shall report at the concerned Police Station on every Thursday at 12:00 noon and the concerned officer is directed to release him by 1:00 PM after recording his presence and completion of all the necessary formalities.
 - vi. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
12. The application is allowed and disposed of accordingly.
13. Pending application(s), if any, also stand disposed of.
14. Needless to state, nothing mentioned hereinabove is an opinion on the



merits of the case and any observations made are only for the purpose of the present bail application.

15. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.

16. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MAY 22, 2025/nk/sc

Click here to check corrigendum, if any