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

+ **BAIL APPLN. 1478/2025**

SUMIT@KAKA

.....Petitioner

Through: **Mr. Suraj Prakash Sharma, Advocate**

Versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: **Mr. Utkarsh, APP for the State with
Insp. Hari Singh, P.S. Kapashera and
SI Ankur, P.S. Tilak Nagar**

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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16.05.2025

1. First Bail Application under Section 483 of the BNSS has been filed on behalf of the Petitioner-Sumit @ Kaka seeking Regular Bail in FIR No. 0398/2022 registered at P.S. Tilak Nagar under Sections 302/34 of the IPC.
2. The Applicant belongs to a well off family and is not involved in any other case. He has been implicated falsely on the manipulated statement of the Complainant.
3. The bail is sought on the ground that there is no basis of the allegations made against the Applicant. All the public witnesses have been recorded, who have failed to support the case of the Prosecution. He is a permanent resident of Delhi. Hence, the Regular Bail is sought.
4. **The Status Report has been filed** today in the Court, which is taken on record, wherein it is submitted that 10 witnesses including all the public witnesses out of 33 prosecution witnesses have been examined.



5. It is further submitted that during the investigations, the Applicant alongwith the other co-accused was arrested. The CCTV footage of the vicinity of the scene of crime shows the presence of the Applicant alongwith the co-accused. The offence and crime being heinous, the bail is opposed.

6. **Learned Counsel for the Applicant** submits that all the witnesses including the father of the deceased has failed to support the case of the Prosecution. The co-accused Dev Sarkar has already been granted bail by the Coordinate Bench on 28.03.2025. The bail is accordingly, sought.

7. **Submissions heard and record perused.**

8. It is not in dispute that all the material witnesses including the father of the deceased, have failed to support the case of the Prosecution. The Applicant is in judicial custody since 12.07.2022.

9. Considering the totality of circumstances and also that the co-accused in similar circumstances, has been granted bail by the Coordinate Bench, the accused is admitted to Regular Bail in FIR No. 0398/2022 registered at P.S. Tilak Nagar on the following terms and 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 their residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.
10. The Bail Application is disposed of in the above terms.
11. The copy of this Order be communicated to the concerned Jail Superintendent as well as to the learned Trial Court.

NEENA BANSAL KRISHNA, J

MAY 16, 2025

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