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

+ **BAIL APPLN. 2269/2025**

RAJESH ALIAS VANARPetitioner

Through: Mr. Dinesh Kumar, Advocate.

versus

THE STATE GOVT NCT OF DELHIRespondent

Through: Mr. Utkarsh, APP for the State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

07.11.2025

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1. First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) (*old Section 439 of the Code of Criminal Procedure, 1973*) (*hereinafter referred to as 'Cr.PC'*) has been filed on behalf of the Petitioner, Rajesh @ Vanar for grant of Regular Bail in Case FIR No. 258/2017 under Section 302/307/341/427/120B/147/148/34 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*) and Section 25/54/29 of Arms Act, registered at Police Station Prahladpur, Delhi.

2. It is submitted that a false Complaint had been filed by the Complainant resulting in registration of FIR. The sister of the Complainant is the wife of the Applicant. The marriage between them got solemnized in Arya Samaj Mandir, New Delhi on 12.03.2016. However, the Complainant and her family members were not happy with the marriage and they extended threats to kill the Applicant, for which he made the Complaint



against the Complainant and his family members to SHO, Police Station Prahladpur of 15.06.2016. He also filed a Petition before this Court and was granted protection *vide* Order dated 08.04.2016.

3. The Complainant and other family members had always misguided and instigated his sister since marriage and influenced her parents and sister and under their influence, sister of the Complainant left the company of her husband i.e. the Applicant. Since then, the Complainant and his family, has been extended threats to implicate him in the false case. The present Complaint has been registered to take revenge from the Applicant.

4. The Charge-Sheet has been filed. All eye witnesses had already been examined. All other four co-accused have been granted Bail by this Court. The Applicant is in judicial custody since 14.12.2017 i.e for about last eight years. His father has expired and mother is suffering from several old age diseases. He is the elder son of his family and since 2017, his family has lost most of their affection. His family is in financial crises.

5. The Bail Application filed before the learned ASJ, has been dismissed *vide* Order dated 08.04.2025.

6. The Bail is sought on the ground that he is innocent and has been falsely implicated in this Case. He has clean antecedents and no criminal record. There is not an iota of evidence against him. He is not a flight risk. If the Bail is granted, there is no likelihood of tampering with the evidence or intimidating the witnesses. A prayer is, therefore, made that the Bail be granted.

7. **Status Report** has been filed on behalf of the State wherein the Bail is opposed on the ground that the trial is pending. The Petitioner may threaten the Complainant. It is submitted that a country made pistol was



recovered hidden in the Jhuggi at the instance of the Accused, Rajesh and a knife was also recovered. The Complainant, Tara Chand was opined to have suffered grievous injury. The post-mortem report of Rahul opined death due to “Hemorrhagic shock” as a result of injury No. 1, which is sufficient to cause death in the ordinary course of nature. All the Accused had planned and hatched a conspiracy and had come armed with knives, rod and sticks with a common intention to eliminate Tara Chand. The Statements of the eye witnesses have been recorded. The FSL Report has been obtained.

8. During the enquiry, it has been found that two brothers of the Applicant, namely, Pawan and Vijay, are residing in Jhuggi No. T Huts No. 14, Prem Nagar, Lal Kuna, M.B. Road, New Delhi, with the mother, Smt. Mahendari to take care of her. One sister, namely, Sunita is also residing at the same address. It is further submitted that the Applicant has previously been involved in 06 FIRs. 17 witnesses have been examined out of 39 witnesses and the matter is at the stage of Prosecution evidence.

Submissions heard and the record perused.

9. Admittedly, the Applicant is in judicial custody since 14.12.2017. There are 36 Prosecution witnesses out of which, all material 17 witnesses have been recorded. All other four co-accused have been admitted to Bail

10. Considering the prolonged Prosecution and the totality of circumstances, this Court is of the opinion that the present Petitioner has made out a case for grant of Regular Bail. Accordingly, the Petitioner is enlarged on Regular Bail, subject to his furnishing a Personal Bond in the sum of Rs.50,000/- and one Surety Bond of the like amount to the satisfaction of the Trial Court/CMM/Duty Magistrate, further subject to the following conditions:



- a) Petitioner shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - b) The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to the Complainant or any of the Prosecution witnesses or other persons acquainted with the facts of the case.
 - c) The Petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.
 - d) The Petitioner 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 Petitioner 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 Petitioner shall mark his attendance with the SHO/IO concerned on every Saturday between 11:00AM to 12:00 noon during the pendency of the trial and he shall be released by the IO/SHO not later than 01.00 P.M.
11. The Bail Application stands disposed of.
12. The copy of this Order be communicated to the concerned Jail Superintendent, as well as, to the learned Trial Court.

NEENA BANSAL KRISHNA, J

NOVEMBER 7, 2025/RS