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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 2275/2025, CRL.M.A. 18148/2025
CRL.M.A. 18149/2025, CRL.M.A. 32319/2025
AKASH ALIAS LEELAPetitioner
Through: Appearance not given.
versus
STATE NCT OF DELHIRespondent
Through: Mr. Utkarsh, APP for the State.
CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **05.12.2025**

1. An Application under Section 439 Cr.P.C read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the Petitioner seeking Regular Bail in case FIR No.379/2020 dated 28.07.2020 under Section 302/120B/34 IPC and Section 25/27/54/59 Arms Act registered at Police Station Narela Ind. Area, Delhi.
2. It is submitted in the Bail Application, that the Applicant is in Judicial Custody since 28.09.2020 i.e. more than 5 years and 2 months. There are 30 Prosecution witnesses, out of 18-19 witnesses have already been recorded. There is neither any *actus reus* nor *mens rea* attributable to the Applicant. The testimony of PW3, the wife who is an eye witness, is full of contradictions and not reliable. PW1 who is the other eye witness had failed to identify the Petitioner, in the Judicial TIP though he identified the applicant in the Court. PW4 has turned hostile. It is further submitted that most of the important material witnesses already stand recorded. There is no evidence to support that he was involved in the conspiracy. The allegations of the State that he was a member of the Gogi Gang is not corroborated or



supported by any cogent evidence and the claim is based on conjectures and surmises. There is no recovery from the Applicant. It is further submitted that the deceased himself was a hardened criminal who had suffered incarceration in many cases.

3. Reliance is placed on Kali Ram vs. State of Himachal Pradesh AIR 1973 SC 2773 and High Court of Delhi in Court of its Own Motion vs. CBI 2004(II) AD Delhi 181.

4. A prayer is made that he be granted Bail.

5. **A Status Report** has been filed on behalf of the State, wherein the facts as revealed from the investigations involving the murder of Ravi S/o Vikram, has been detailed. It is submitted that the deceased had been killed by the Gogi Gang of which the Applicant is a member, only because he had appeared as a witness and had supported the case against them.

6. The Applicant is a notorious criminal and is a member of Gogi Gang. There are four criminal cases, all of 2020, which has been registered against him, out of which two are under 307 IPC and one is the present case.

7. **The Bail is opposed on the grounds** that he had hatched conspiracy on the directions of noted Gangster Jitender @ Gogi along with his associates to murder the deceased Ravi as he was an eye witness against the Gangster Jitender @ Gogi and had participated in the judicial Tip proceedings against him in murder case of P.S. Prashant Vihar.

8. The material Prosecution Witnesses have deposed against the Applicant. The possibility of he harming the witnesses cannot be ruled out, if he is released on Bail.

9. He had been previously involved in heinous cases in Haryana and the present case. The probability of jumping bail conditions are very high and



may cause hindrance to the trial leading to delay in justice delivery. Hence, the Bail is opposed.

Submissions heard and record perused.

10. The allegations against the Applicant are that of alleged murder punishable under Section 302 IPC. Though he may be in custody for about five years since 28.09.2020, but as per the submissions of the Applicant himself the trial is proceeding at its own pace as 19 witnesses out of 30 total witnesses, have already been examined. There is no delay in the conduct of the trial which is proceeding at its right pace.

11. The alleged contradictions in the testimony of the eye witness PW3 or PW1 the second eye witness, cannot be considered as a mini trial at this stage of Bail.

12. There are three other cases of 2020 of similar nature, out of which two are under Section 307 IPC. The allegations are that he was instrumental in killing the deceased who was an eye witness in a case against the Jitender @ Gogi Gang and because the deceased deposed in the case against them, he has been killed.

13. While it has been asserted that Jitender @ Gogi himself has gone to hell and there is no subsisting Gogi Gang, but the gravity of the allegation cannot be overlooked.

14. Considering the fact that the allegations are grave and also that the trial is proceeding at its right pace, no case is made out for grant of Bail. The Application is dismissed.

NEENA BANSAL KRISHNA, J

DECEMBER 5, 2025/va