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

+ **BAIL APPLN. 2994/2025**

MANISH GEHLOT ALIAS BROPetitioner

Through: **Mr. Gaurav Kumar, Advocate**

versus

STATE OF NCT OF DELHIRespondent

Through: **Mr. Utkarsh, APP for the State with
Insp. Sandeep Kumar**

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **08.10.2025**

1. Second Regular Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the Applicant- Manish Gehlot @ Bro in FIR No. 507/2021 registered under Sections 392/397/34 IPC at P.S. Patparganj Industrial Area.
2. It is submitted that the first Regular Bail Application preferred before the Court of learned Sessions Judge has been dismissed on 03.08.2022. His earlier Bail Application preferred before this Court, has been dismissed on 05.09.2024 on the ground that one public witness still remained to be examined and also in the light of the gravity of the offences and the antecedents of the Applicant.
3. The facts of the case are that the Applicant along with three other persons, had committed robbery of money, etc. on gun point. The matter is pending trial. The Charges under Sections 392/397/34 IPC and Sections 25/24/59 of Arms Act, have been framed against the accused on 05.05.2022



and the matter is fixed for prosecution evidence on 07.12.2023. It is submitted that there were seven public witnesses, out of which six witnesses have already been recorded but one public witness still remains to be examined.

4. It is submitted that the incident took place opposite the Anand Vihar Bus Terminal, which is a crowded area, despite which the Police has not made any endeavor to search for the CCTV footage, to identify the accused persons, which reflects their *mala fide* in falsely implicating the present Petitioner. The public witnesses stand recorded, there is no apprehension of the petitioner threatening the Complainant or the public witnesses. There is no other incriminating evidence against the Applicant. He is not concerned with the alleged incident in any manner and the allegations leveled against him are false and frivolous. There is no chance of his absconding or tampering with the prosecution evidence.

5. Hence, the Bail is sought under Section 439 Cr.P.C.

6. **Status Report** has been filed on behalf of the State wherein the Bail Application is opposed on the ground that allegations made are serious in nature and that Accused person can threaten the Complainant and other Prosecution witness to not support the case of the Prosecution.

7. The Accused has been correctly identified by the Victim during TIP proceedings. ATM card of OBC bank and one ATM card of PW Bhupender Singh was recovered from possession of the Applicant. He has also been identified by other witness Rohit Kumar, who is running a Cyber Cafe, on whose Phone, the said Accused had transferred Rs.15000/- and taken Rs.15000/- citing ill health of his mother.

8. The Chargesheet has been filed before the Court. The co-accused



Rahul Gupta @ Ganja, Arun and Vipul are also in judicial custody. The Bail Application is, therefore, opposed.

Submission heard and record perused.

9. The case of the Prosecution is that the Applicant along with three other persons, had committed robbery of money etc. on gun point and the matter is pending trial. The Charges under Section 392/397/34 IPC and 25/24/59 of Arms Act, have been framed against the accused on 05.05.2022 and the matter is fixed for prosecution evidence on 07.12.2023. There were seven public witnesses, out of which six witnesses have already been recorded, but one public witness still remains to be examined.

10. Though this Court had rejected the Bail Application *vide* Order dated 05.09.2024, but as has been pointed out by the learned Counsel for the Applicant, the Accused is in judicial custody since 30.12.2021. Six witnesses have been recorded by 05.09.2024, but the trial continues to be at the same stage till date and no other Prosecution witnesses out of remaining 20 witnesses have been examined.

11. As has been submitted, one public witness Randhir Singh, who is witness to circumstances, has not been appearing in last three year and his testimony has not been recorded. The delay in conclusion of Prosecution evidence, is not attributable to the Applicant.

12. While the offence is grave but is cannot be overlooked that there is an inordinate delay and no explanation is forthcoming as to why no more Prosecution witnesses have been recorded since 09.05.2024, when the Bail Application was last rejected.

13. Considering that such long incarceration with no expeditious trial by the State, the Applicant is held entitled to Bail. Accordingly, the Applicant is



granted Regular Bail, on the following terms and conditions:

- a) The Applicant/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 Applicant/Accused shall appear before the Court as and when the matter is taken up for hearing;
- c) The Applicant/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 Applicant/Accused shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses.
- e) In case the Applicant/Accused changes his residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.

14. The copy of this Order be communicated to the concerned Jail Superintendent, as well as, to the learned Trial Court for information and compliance.

15. The Bail Application is accordingly disposed of.

NEENA BANSAL KRISHNA, J

OCTOBER 8, 2025

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