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

+ **BAIL APPLN. 3089/2025, CRL.M.A. 24024/2025**

GAURAV KUMAR @ SATHIYAPetitioner

Through: Appearance not given

versus

STATE (GOVT. OF NCT OF DELHI)Respondent

Through: Mr. Utkarsh, APP for the State

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **16.10.2025**

1. First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the Applicant-Gaurav Kumar @ Sathiya for grant of Regular Bail in FIR No. 0188/2022 registered under Sections 302/34 IPC at P.S. Adarsh Nagar.

2. It is submitted that the Applicant is in judicial custody since 25.01.2022, i.e. for more than 42 months. He belongs to a respectable family and has clean antecedents. He has fully cooperated with the Police during the investigations and there is no likelihood of his absconding or tampering with the Prosecution witnesses. The Chargesheet has already been filed in the Court.

3. The Bail is sought on the **ground** that the Prosecution has cited 22 Prosecution witnesses, out of which only 05 (now 09) have been recorded. The eye-witnesses have already been recorded and there are inherent contradictions in their testimony. Furthermore, the recovery of the weapon of offence has been made from open place and not from at the instance of the Applicant. The recovery has been planted to falsely implicate the Applicant.



There was no previous enmity with the deceased.

4. The Applicant belongs to a poor economic background and has widowed mother, wife and child, who are completely dependent upon him. Reliance is placed on Mohd. Firoz v. State of Madhya Pradesh in Criminal Appeal No. 2920/2013.

5. A prayer is, therefore, made for grant of Bail.

6. The **Status Report** has been filed today in the Court and the same is taken on record wherein the entire investigation and contents of Chargesheet have been reproduced. It is submitted that as on date, 08 witnesses out of total 22 witnesses have been examined. The Bail is opposed on the ground that the offence is heinous in nature and there is overwhelming evidence by way of testimony of eye-witnesses and other witnesses, to support the case of the Prosecution. There is high probability of intimidation of witnesses. Hence, the Bail Application be rejected.

Submission heard and record perused.

7. As has been submitted, there were 05 material witnesses to the entire incident out of which 04 have totally failed to support the case of the Prosecution. The fifth witness has been examined-in-chief but the same has failed to support the case of the Prosecution, though the cross-examination is pending.

8. Considering that the Applicant is in judicial custody since 25.01.2022 and eye-witnesses/material witnesses have been recorded, who have failed to support the case of the Prosecution, the Applicant is admitted to Bail, subject to the following terms and conditions:-

- a) The Applicant/Accused shall furnish a personal bond of Rs.50,000/- 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.

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

10. The Bail Application alongwith pending Application, is accordingly disposed of.

NEENA BANSAL KRISHNA, J.

OCTOBER 16, 2025

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