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

+ **BAIL APPLN. 3257/2025**

VISHAL MANDAL ALIAS PADDI

.....Petitioner

Through: Mr. Daviender Hora, Mr. Amandeep Singh, Mr. V.D. Mishra and Mr. Md. Shaquib Azad, Advocates.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for State.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

% **17.09.2025**

C.M.APPL. 25357/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. By way of the present application, the applicant is seeking grant of regular bail in a case arising out of FIR bearing no. 429/2022, registered at Police Station Swaroop Nagar, for the offences punishable under Sections 302/392/397/411/34 of the Indian Penal Code, 1860 (hereafter 'IPC').
4. Issue notice. Learned APP for the State accepts notice.
5. Briefly stated, the facts of the present case are that on 15.07.2022 at about 1:38 am, an information had been received that a dead body was lying in the road in front of the Libapur underpass, towards Swaroop Nagar under



the Red light. Thereupon, the police officials had reached at the said place and found the dead body of a male, subsequently identified as one Heera Yadav (hereafter, “the deceased”), covered with blood. It was pursuant thereto that the above-captioned FIR came to be registered initially against unknown person, and later, the applicant herein. During the course of the investigation, no direct evidence could be found; instead, a CCTV footage had been recovered, which was sent for FSL examination. However, it was opined that it was not possible to opine about facial matching, since the camera was of low pixel quality. Allegedly, the applicant had been involved in some monetary dispute with the deceased; in which backdrop, the statement of PW-1, Pan Vendor, had also been recorded under Section 161 of Cr.P.C., however, to no avail.

6. The learned counsel for the applicant-accused submits that the present case is substantially based on circumstantial evidence, and no direct evidence linking the applicant with the offences in question is available. It is contended that the only evidentiary material qua the applicant is a CCTV footage, which has not been corroborated by any of the witnesses, despite them being examined by the learned Trial Court. Moreover, it is argued that neither the FSL report supports the prosecution’s case nor has anything been recovered from the appellant so as to suggest his involvement in the present case. Further, it is argued that the trial is still at nascent stage, with a large number of witnesses, who are public witnesses, out of a total of 32 witnesses left to be examined, and the applicant has been in custody for the last 3 years; thus, in this light, his present application be allowed.

7. The learned APP appearing for the State, on the other hand, argues that the CCTV footage clearly identifies four persons at the crime scene,



followed by a quarrel, eventually culminating in the murder of the applicant. Additionally, as argued, the last seen evidence is also available against the applicant, which *prima-facie* proves his involvement in the offence in question. It is prayed that the present bail application be dismissed.

8. This Court has heard arguments addressed on behalf of the learned counsel for the applicant-accused and the learned APP for the State, and has perused the material available on record.

9. At the outset, this Court notes that the present case of murder is based solely on circumstantial evidence, with the prime evidentiary material suggesting that the applicant had been seen last with the deceased, as well as the CCTV footage depicting his presence at the crime scene. However, pertinently, before the learned Trial Court, the witnesses could not identify the applicant or otherwise link him with the alleged incident in their respective examinations, and thus, failed to support the case of prosecution.

10. Notably, even a perusal of the FSL report shows that it is inconclusive, which again weakens the prosecution's case. Furthermore, it remains undisputed that no recovery could be effected at the instance of the applicant.

11. Additionally, this Court observes that the applicant has been in custody for last three years, and about 32 prosecution witnesses are yet to be examined; thus, the trial will take some time to conclude.

12. Considering the overall facts and circumstances of the case, this Court is inclined to grant regular bail to the applicant herein, on his furnishing personal bond in the sum of Rs.10,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:



- i) The applicant shall not leave the country without prior permission of the concerned Court and if the applicant has a passport, he shall surrender the same to the concerned trial court;
- ii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court and IO/SHO concerned;
- iii) The applicant shall appear regularly before the learned Trial Court, unless exempted;
- iv) The applicant shall not communicate with, or come into contact with the complainant or any of the prosecution witnesses, or tamper with the evidence of the case.

13. Accordingly, the present bail application stands allowed.

14. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

15. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

SEPTEMBER 17, 2025/pa