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

+ **BAIL APPLN. 3727/2024**

IBRAHIM SHEIKH @ SAHIL

.....Petitioner

Through: Mr. Ayyub Ahmad, Advocate.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for State
with Inspector Vikas Rana.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

21.03.2025

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[Physical Hearing/Hybrid Hearing (as per request)]

1. The applicant seeks to be released on bail in case FIR No.154/2021 of PS Mandawali Fazalpur, Delhi for offences under Sections 302/34 IPC and Sections 25/27 of the Arms Act. Broadly speaking, the case of the prosecution is that two persons namely Sharukh and Govind @ Danny killed the deceased by firing at him and they fled the spot. Initially, neither of the assailants could be traced out and were declared as Proclaimed Offenders. In the meanwhile, the applicant got arrested in FIR No.167/2021 of PS Crime Branch and according to prosecution, the applicant confessed in custody about his involvement in the murder for which FIR No.154/2021 was registered.

2. Learned prosecutor submits that the evidence against the applicant is his own confessional statement, his presence in the area of offence reflected through his CDRs and statement of two witnesses, Azim and Naved under



Section 161 Cr.P.C. There is no other evidence to connect the applicant with the alleged offence.

3. So far as the alleged confessional statement is concerned, learned counsel for applicant argues that it is not believable that the applicant would on his own implicate himself in a murder case. Further, it is contended that mere CDRs are not sufficient to pinpoint the presence of a person and even otherwise, so many persons would remain present in the area. Learned counsel for applicant also points out that the said two witnesses Naved and Azim have already been dropped by the Trial Court because despite repeated efforts they could not be located.

4. It is also informed by both sides that Sharukh, who is alleged to have fired at the deceased has already been granted bail by the Trial Court.

5. Considering the above circumstances, the application is allowed and the applicant is released on bail subject to his furnishing personal bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the Trial Court. The applicant shall not contact any of the prosecution witnesses, otherwise appropriate consequences shall follow.

6. Dasti copy of this order be given to learned counsel for applicant.

GIRISH KATHPALIA, J

MARCH 21, 2025/ry

Click here to check corrigendum, if any