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

+ **BAIL APPLN. 3905/2024**

RAKESH @ RAKA

.....Petitioner

Through: Mr. Lewish Edward, Mr. SS. Tomar,
Mr. Vignesh P., Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for the
State.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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14.01.2025

1. This is an application seeking bail in FIR No. 212/2011 dated 06.09.2011 registered under Sections 302/34 of IPC read with Section 25/27 Arms Act at P.S. Kanjhawala, Delhi.
2. As per the FIR, the complainant, i.e. brother of the deceased, stated that it was the applicant who shot the victim, i.e. Mr. Arun. The victim subsequently succumbed to the gun-shot injury.
3. As per the nominal roll, the applicant has undergone 11 years 9 months and 9 days incarceration as on 18.12.2024.
4. As per the learned counsel for the applicant, out of 69 witnesses, only 33 witnesses have been examined.
5. Ms. Priyanka Dalal, learned APP opposes the bail application and states that there are 14 cases against the applicant and he is a member of



Neetu Dabodia Gang and has indulged in acts of murder, extortion etc. The list of cases are reproduced as under:-

S. No	Case FIR	Police Station	U/s	Status
1	529/2006	Nangloi	392/411/34 IPC	Acquitted on 25/06/2014
2	617/2006	Nangloi	186/353/307/34 IPC & 25/27 A.Act	Discharge on 25/06/2014
3	122/2006	City Bahadur Garh (HR)	392/395 IPC	Convicted on 30/03/2013 with 10 years imprisonment Fine in Rs. 20000/-
4	189/2014	Shahbad Diary	392/34 IPC	Convicted on 01/09/15 with 1095 Days imprisonment & Fine in Rs. 1000/-
5	75/2011	Bawana	392/397/34 IPC	Acquitted on 15/10/2013
6	120/2014	Begumpur	392/34 IPC	Untraced on 21/07/2011
7	174/2011	Rai (HR)	392/34 IPC	Acquitted on 16/11/2015
8	153/2011	Rai (HR)	392/34 IPC	Acquitted
9	144/2011	Rai (HR)	392/34 IPC	Acquitted on 01/03/2012
10	212/2011	Kanjhawala	302/120B IPC & 25/27 A. Act	Pending Trial
11	79/2011	Kanjhawala	302/120B IPC & 25/27 A. Act	Acquitted on 19/09/2019
12	255/2011	Kanjhawala	186/353/307/34 IPC & 25/27 A.Act	Acquitted on 23/10/2013
13	389/22	Karol Bagh	387/506/120B IPC	PT
14	308/22	P.S. Sp Cell	25/54/59 A. Act	PT



6. A perusal of the list shows that out of 14 cases, the applicant has been acquitted in 10 cases and in two cases, namely FIR NO. 122/2006 under Sections 392/395 IPC and FIR NO. 189/2014 under section 392/34 IPC, he has been convicted. Admittedly, the applicant has undergone the period of sentence in the said two cases.

7. As far as Serial no. 13 and 14 are concerned, the same are pending trial and the learned counsel for the applicant submits that the applicant has already been granted bail in the said cases.

8. Even though, the nominal roll shows that in those two cases the applicant is not on bail, Mr. Edward, learned counsel makes a statement on Bar that the applicant is on bail in those two said cases. The statement is taken on record.

9. The applicant is still an under-trial prisoner and the charges against him are yet to be proved.

10. The applicant has already undergone about 12 years of incarceration and from the fact that 36 witnesses are yet to be examined, the trial will take considerable period of time.

11. For the said reasons, I am inclined to allow the petition subject to the following conditions:

- (a) The applicant shall furnish a personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand Only) with one surety of the like amount to the satisfaction of the concerned Trial Court;
- (b) The applicant shall provide his mobile number to the concerned IO, which shall be kept in working condition and switched on at all times. The shall also provide his permanent residential



address and in case of change of residential address or contact details, the shall promptly inform the same to the concerned IO as well as to the concerned Court;

- (c) The applicant shall not leave the country without permission of the concerned Court during the bail period and surrender his passport, if any, at the time of release before the concerned Court;
- (d) The applicant shall not directly/indirectly try to get in touch with any prosecution witnesses or tamper with the evidence.
- (e) The applicant will not approach the victim's families/any of the witnesses and will not be in their vicinity.
- (f) The applicant shall report to the SHO of the local Police Station every first Monday of the month at 10 AM and shall not be kept waiting for more than one hour.

12. In case the applicant is found indulging in any criminal activity, the respondent is at liberty to move an application seeking cancellation of bail/recalling of the order passed today.

13. Nothing stated hereinabove shall tantamount to an expression of opinion on the merits of the case.

14. The application stands disposed of in the aforesaid terms.

15. A copy of this order be communicated electronically to the concerned Jail Superintendent for information and necessary compliance.

JASMEET SINGH, J

JANUARY 14, 2025/KG