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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4413/2024**

TRIPTESH @ PRAVESH

.....Petitioner

Through: Mr. Abhay Bhati & Mr. Bhaskar,
Advts

versus

THE STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Aman Usman, APP for State.
SI Shivam PS Preet Vihar.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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19.03.2025

CRL.M.A. 36042/2024 (EXEMPTION)

Allowed, subject to all just exceptions.

The application stands disposed of.

BAIL APPLN. 4413/2024

1. This is a bail application filed by the petitioner under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 [“BNSS”] read with Section 528 of BNSS, 2023 for the grant of bail in case FIR No. 254/2022, dated 05.07.2022, PS Preet Vihar, under Section 394/397/422/120-B/34 IPC and under Section 25/24/59 Arms Act.

2. Learned counsel for the petitioner submits that charge sheet has been filed and all the material witnesses have already been examined, and therefore, no useful purpose shall be served by keeping the



petitioner/accused behind the bars. It is further submitted that PW-5 has not supported the prosecution case. She has not been able to identify the petitioner/accused. It is also submitted that petitioner/accused was not arrested from the spot but was arrested six days after the incident. It is further submitted that no recovery has been affected from the petitioner/accused and the recovery, if any shown, is planted. It is also stated that petitioner/accused has been in custody since 11.07.2022 and no purpose would be served by keeping him in custody.

3. The bail application has been opposed by the learned Additional PP arguing that the previous bail application of the petitioner/accused has been dismissed on 09.08.2024 and there has been no substantial change of circumstance since then, and therefore, accused is not entitled for the grant of bail. Learned Additional PP further submits that the present petitioner/accused is a habitual offender, involved in two more cases, and therefore, does not deserve the liberty of grant of bail.

4. Learned counsel for the petitioner, however, states that the previous bail application was dismissed as withdrawn and was not dismissed on merits.

5. In response to the said argument of the learned counsel, the argument of learned Additional PP is that the previous bail application of the petitioner/accused was withdrawn because the court was not inclined to grant bail.

6. As per allegations, the present petitioner/accused along with three other co-accused came to the branch office of Muthoot Fincorp Bank at Shankar Vihar and robbed Rs. 56,000/- cash and three mobile phones by putting pistols. In the commission of robbery, they had also beaten up the



staff with pistols butts.

7. The present petitioner/accused were arrested on 13.07.2022. They refused to participate in the TIP. During investigation, a toy pistol, a motorcycle make Splendor and a shoulder bag were recovered from the present petitioner/accused Triptesh @ Pravesh.

8. Admittedly, the investigation is already complete and charge sheet has been filed. It is also an admitted fact that all the material public witnesses have already been examined. The remaining cited witnesses are police officials, who are the witnesses of investigation, and therefore, there is no likelihood of influencing the witnesses or tampering with the evidence. The petitioner/accused is stated to be in custody since 13.07.2022. Trial may take long time to conclude.

9. Hence, in view of the entire facts and circumstances and in particular the fact that all the public witnesses have already been examined and the petitioner/accused is in custody since 11.07.2022, the bail application is allowed and petitioner/accused is admitted to bail subject to furnishing a personal bond in the sum of Rs. 30,000/- with surety of the like amount to the satisfaction of learned trial court with further condition that accused shall not try to contact the public witnesses and shall also not try to threaten or intimidate them.

RAVINDER DUDEJA, J.

MARCH 19, 2025

RM