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

+ **BAIL APPLN. 4341/2025, CRL.M.A. 33590-33591/2025**

ASHISH ALIAS SIBBU

.....Petitioner

Through: Mr. Sujit Kumar, Mr. Rohit Singh,
Mr. Prashant Vaibhav & Ms. Supriya,
Advs.

versus

THE STATE GOVT NCT OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP with Insp. Balram,
PS- Subhash Place.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

17.11.2025

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1. Fourth Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the **Applicant/Ashish @ Sibbu** for grant of Regular Bail in FIR No.0609/2023 under Sections 302/201/120-B/34 IPC, registered at Police Station: Subhash Place.
2. It is submitted that the early three Bail Applications preferred before the learned ASJ had already been dismissed.
3. It is claimed that the Applicant is an innocent person doing private job. He is victim of the situation and has been falsely implicated in the case. There are no charge / allegations regarding the incident reported by the victim / Complainant. Allegations against him is only figment of imagination of the Police officials, even though he has not committed any crime and has also co-operated in the investigation. But, subsequently, he got arrested on 22.08.2023 and since then he is in Judicial custody.
4. **The case of the Prosecution** is based on the statement of one Nishant



who stated that on 20.08.2023 a quarrel took place between Gaurav @ Kaku with 2-3 boys while they were dancing on the DJ at NSP Club, Khampur, Delhi, but on intervention, the matter got settled. Thereafter, Gaurav @ Kaku made a call to Vinay, his cousin brother and apprised him about the quarrel. At that time Ankit, who was also with Vinay, took the phone from him and told Gaurav @ Kaku that they were coming to the Café Den's Don, NSP, Delhi.

5. It is further stated that after about one hour Sunny, called Gaurav @ Kaku and told him that they were standing in the Parking of the Club and they were also accompanied by two other persons namely Saavi and Ankit. Then they went towards the staircase of the Club, where Nishant and Vinay, the deceased were standing, who became angry with Vijay and his friend and started arguing with those boys. A quarrel ensued between them and out of those boys, someone stabbed on the thigh of Vinay and he fell unconscious.

6. As per the Prosecution case, accused Vijay and Ashish were called and then the quarrel was started by Gaurav and associates, who arrived after about one hour of the incident, which initially took place, but got settled. The other co-accused had also reached there.

7. The Applicant had called them apprehending danger to the life at the hands of Gaurav @ Kaku who all had gathered near the Parking of the Club. It is stated that the quarrel was on a trivial matter, which was perpetrated at the behest of Gaurav @ Kaku after an hour of first incident. Gaurav @ Kaku, Vinay (deceased) Sunny, Saavi and their associates had come prepared to take revenge from the Applicant and his friend.

8. Even as per the case of the Prosecution, it is shown that there was no intention on the part of the Applicant to cause death of any person including



Vinay, but in a free-fight to save themselves from the clutches of Gaurav @ Kaku, an unfortunate incident happened and injuries were caused resulting in death of Vinay.

9. It is submitted that the injury was caused on the thigh which is not a vital part of the body, which again establishes that there was no intention on the part of the Applicant or the co-accused persons to inflict any injury. No offence under Section 302 IPC is made out.

10. There is no allegation against the Applicant of having caused any exhortation or beating to the deceased, as the injuries are attributed to co-accused Aftab @ Ashraf Ali and Sadaab. There is not an iota of evidence that the Applicant otherwise was having any knowledge about the intended acts of the two co-accused Aftab and Sadaab or that they were armed with knife or any other weapon.

11. It is further submitted that deceased Vinay was found under the influence of liquor as has been revealed from the Viscera Report, which also assumes importance. *The co-accused D. Arjun @ Devender Arjun and Vijay had the similar role, have already been granted Bail.*

12. Furthermore, no ground of arrest were given to the Applicant at the time of arrest. There is no non-compliance of Section 50 Cr.P.C, and therefore, the arrest/detention of the Applicant is illegal, being unconstitutional. The perusal of the Chargesheet and the accompanying documents reveal that the Applicant was not apprised of his grounds of arrest in writing by the I.O

13. It is further stated that the investigations are complete and the Applicant is in custody for two years and three months and the trial has not progressed, because the result of FSL is awaited.



14. *Prayer is therefore, made that the Applicant be granted Bail.*

15. **Learned counsel for the Applicant** submits that the Chargesheet already stands filed in the Court and the Charges have been framed on 24.04.2024, wherein co-accused Vijay and D. Arjun as well as the Applicant/Ashish have been attributed the roles, punishable under Sections 34/37/38 IPC.

16. There are 44 Prosecution witnesses, but till date only three have been examined, on account of non-availability of the FSL Report. The trial is likely to take long.

17. The Prosecution case is based on conjecture surmises. The Applicant has no prior antecedents, is not a flight risk being permanent resident of Delhi and undertakes to abide by the conditions imposed while granting Bail.

18. Learned counsel for the Applicant further submits that the Applicant though according to the prosecution, was present at the stair case along with co-accused Vijay, but actually, he was not present on the stair case, though he was in the building.

19. Learned Counsel for the Applicant has argued that no case is made out under Section 302 IPC against the Applicant. Even as per the Prosecution injuries were caused by Aftab and Sadaab and Applicant was merely standing there along with Vijay and his brother D. Arjun @ Devender Arjun.

20. It is further submitted that co-accused D. Arjun @ Devender Arjun and Vijay have already been granted Bail and therefore, he may be granted Bail on party, as his role is similar to that of Vijay.

21. **A Status Report has been filed on behalf of the State** in BAIL APPLN.1300/2025 pertaining to co-accused Vijay, is read in present case as well. According to that Status Report, on the statement of the Complainant,



Applicant along with other co-accused were arrested. He declined to participate in the TIP. Public witnesses are yet to be examined. Considering the gravity of offence and the stage of trial, *the Bail is opposed.*

22. **The learned APP for the State has opposed** the Bail on the ground that the CCTV footage clearly shows the scuffle between the parties. It is clearly seen that co-accused Vijay had slapped Vinay and had called his brother D. Arjun and other co-accused persons. There are five public witnesses, who are yet to be examined. Moreover, all the accused have been charged with Section 302 IPC as they all shared common intention. *The Bail is therefore, opposed.*

Submissions heard and record perused.

23. Pertinently, the Chargesheet has already been filed and no further custodial interrogation of the Applicant is required. The co-accused Vijay and his brother D.Arjun who had a similar role, have already been granted Bail. Though, the Applicant is in Judicial Custody since 22.08.2023 and the Charges have already been framed, but the Prosecution evidence has been stalled on account of non-availability of the FSL Report.

24. As per the Status Report, initially the fight took place between Ashish (the Applicant), Gaurav @ Kaku and Vijay, which was resolved by the Complainant Nishant. However, after about an hour, a fresh scuffle took place resulting in death of deceased Vinay. Applicant Ashish and co-accused Vijay were seen standing at the staircase.

25. Considering the totality of circumstances, the accused Ashish is granted Regular Bail, on the following terms and conditions:

- a) The petitioner/accused shall furnish a personal bond of Rs.35,000/- and one surety of the like amount, subject to the



satisfaction of the learned Trial Court.

- b) The petitioner/accused shall appear before the Court as and when the matter is taken up for hearing;
- c) The petitioner/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 petitioner/accused shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses.
- e) In case the petitioner/accused changes their residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.

26. Copy of this Order be forwarded to the concerned Jail Superintendent as well as to the learned Trial Court.

27. The Bail Application along with pending Applications is disposed of.

NEENA BANSAL KRISHNA, J.

NOVEMBER 17, 2025/R