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

+ **BAIL APPLN. 185/2025 & CrI.M.A. 1241/2025**

RAJESH

.....Petitioner

Through: Mr. Z.A. Siddiqui, Ms. Gul Mohd.
& Ms. Anisha Upadhyay,
Advocates

Versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Shoaib Haider, Additional
Public Prosecutor for Respondent-
State s

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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25.02.2025

1. The present Bail Application under Section 483 *Bhartiya Nagrik Suraksha Sanhita, 2023* read with Section 528 of the Act, has been filed by the Applicant seeking regular Bail in FIR No. 234/2018, under Sections 302/307/148/149/427/34 IPC, registered at Police Station Ranjit Nagar, Delhi.

2. *It is submitted in the Application that the Applicant* is a law abiding citizen and has no criminal antecedents other than the present FIR and he has been falsely implicated in this case. He is in judicial custody since 25.12.2018. There are 47 Prosecution witnesses and there are 40 documents to be proved during the trial. In the last five years, the Prosecution has been able to examine only 14 witnesses and completion



of the trial will take a long time.

3. According to the Prosecution, on 27.09.2018 the police received an information about a quarrel on the main road, Pandav Nagar and reached the spot. The victim was taken to the hospital, where he was declared “*Brought Dead*”. The FIR was consequently registered on 27.09.2018. It is submitted that all the prosecution witnesses who have been examined, have not identified or named the accused. The CCTV footage on which reliance has been placed, is not clear and the identification in CCTV camera has been made at the instance of the Complainant. Furthermore, there is no recovery of clothes of the deceased or any other incriminating evidence from him.

4. It is alleged that a knife with broken handle was recovered from his Wagon R when he was arrested on 25.12.2018. It is submitted that when the incident occurred on 27.09.2018 in which this knife was allegedly used by the co-accused, it is not comprehensible as to how this knife gets recovered after about three months from the Wagon R.

5. It is further submitted that the only reason is that there was previous enmity between the Complainant and Accused No.1 to 5. Accused No.6 has no concern with the Complainant and only because he had sympathy for Accused Nos.1 to 5 and used to speak in their favour, he has been named and falsely implicated in this case.

6. It is therefore, submitted that he be granted regular bail.

7. ***The Status Report has been filed on behalf of the State*** wherein it is asserted that the entire incident in which victim Amitabh was murdered by the accused persons, was captured in CCTV camera installed at Street Light Pole of the Main Pandav Nagar. It is clear from the CCTV footage



that the accused persons were making preparation for the attack for last 1½ hours from the time of the incident and were equipped with *dandas*, *lathis* and knife. The applicant Rajesh, along with other accused persons, surrounded the deceased and attacked him collectively. The accused persons were seen wielding a knife in their hands and chasing the injured in the footage.

8. As per the disclosure statement of the Applicant, he was provided with a knife by Smt. Shakuntla, mother of co-accused Ashu and he stabbed the victims with that knife. After committing the crime, the Applicant Rajesh escaped in the Wagon R along with other accused persons from the spot. Co-accused Ashu dropped co-accused Sapan and the Applicant in Karampura area of Delhi.

9. After this incident, Applicant started living in Mandawali, from where he was arrested on 25.12.2018 and the knife used by him was recovered from under the seat of the Wagon R car they had used to escape.

10. *On a specific query*, it has been clarified by the learned Additional Public Prosecutor for Respondent-State that the car belonged to Ashu, but was being used by the Applicant. It is further clarified that the Wagon R was taken into possession by the Police only on 25.12.2018, when the Applicant was arrested.

11. The deceased was only 25 years old and was on his way to home of his friends to drop them in Pandav Nagar in his own XUV and was attacked brutally by the accused persons. There are 42 prosecution witnesses, out of which only 06 witnesses remain to be examined. This Bail Application deserves to be dismissed.



12. Submissions heard and record perused.

13. The Applicant is in judicial custody since 25.12.2018. All material prosecution witnesses already stand recorded. Essentially, the main incriminating evidence against him is the CCTV camera, which had captured the incident but as per the learned Counsel for the Applicant, the persons therein are not clearly visible.

14. The second piece of incriminating evidence is recovery of a knife used by the co-accused Vikas in commission of offence as per the FIR. It has allegedly been recovered from the Wagon R belonging to co-accused Ashu, and that too after three months at the time of arrest of the Applicant on 25.12.2018.

15. Considering that all material witnesses have been recorded and the accused is in judicial custody since 25.12.2018, the Applicant is admitted to Regular Bail in FIR No. 234/2018, under Sections 302/307/148/149/427/34 of the *Indian Penal Code, 1860* registered at Police Station Ranjit Nagar, New Delhi upon his furnishing a personal bond in the sum of Rs. 25,000/- and one surety of the like amount to the satisfaction of the learned Trial Court, subject to the following conditions: -

- a) Petitioner shall not leave Delhi/NCR without prior permission of the Court;
- b) Petitioner shall appear before the Court as and when the matter is taken up for hearing;
- c) Petitioner shall provide his mobile number to the IO concerned, which shall be kept in working condition at all times and in case he



changes the mobile number, he would intimate the Investigating Officer concerned;

d) Petitioner shall inform the IO and the Jail Superintendent of the address where he shall be available in Delhi; and

e) Petitioner shall not try to contact, threaten or influence any of the witnesses of this case.

16. The Registry is further directed to communicate this Order to the learned Trial Court and as well as to the concerned Jail Superintendent.

17. Accordingly, the present Bail Application and pending Application are disposed of.

NEENA BANSAL KRISHNA, J

FEBRUARY 25, 2025

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