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

+ **BAIL APPLN. 250/2025**

**ANAS@BALLI**

.....Petitioner

Through: Mr. Shubham Chopra & Mr. Prashant,  
Advs.

versus

**THE STATE OF NCT DELHI**

.....Respondent

Through: Mr. Pradeep Gahalot, APP for the  
State.

SI Ajay Chauhan, P.S. Kalindi Kunj.

**CORAM:**

**HON'BLE MR. JUSTICE AMIT SHARMA**

**ORDER**

% **14.05.2025**

1. This hearing has been done through hybrid mode.
2. The present application under Section 439 of the Cr.P.C. read with Section 483 and 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeks regular bail in case FIR No. 293/2023, under Sections 307/34 of the IPC, registered at P.S. Kalindi Kunj.
3. The case of the prosecution as per the status report dated 26.02.2025 authored by the SHO, P.S. Kalindi Kunj is that the present FIR was registered on the complaint of Rishu Tiwari, who alleged that he and his friends were going from his house to Jaitpur via Gali No.2, and at around 6-6.30 P.M. when they reached Gali No. 3 they were waylaid by a group of 3-4 boys. It is alleged that two of the boys, namely, Shakib and the present applicant- Anas @ Balli were already known to them. It is alleged that as soon as the complainant got down from the bike, he was caught by the accused persons and, thereafter, he



was stabbed near abdomen and genitals. In the meantime, it is alleged that another friend of the complainant, namely, Anand Mathur tried to save him and intervened but he was also stabbed in the chest near his heart. It is alleged that both injured were shifted to Apollo Hospital. It is alleged, during investigation, the present applicant and Shakib Ahmad were arrested and after the investigation was complete, the chargesheet stands filed. As per the case of the prosecution, on the pointing of the accused persons- Anas @ Balli and Shakib, a joint recovery of the knife was effected at the instance of both the accused persons which was sent to the FSL for examination. As per the FSL results, it is stated that the DNA profile matches with injured Anand Mathur but not with Rishu Tiwari/complainant. It is also the case of the prosecution that the incident was covered by CCTV footage which has been filed alongwith chargesheet.

4. Learned counsel appearing on behalf of the applicant submits that as per the case of prosecution, the knife was recovered at the joint recovery of accused persons which has not matched with the blood samples of the injured Rishu Tiwari *i.e.*, the complainant. It is further submitted that the actual incident is not visible in the CCTV footage which was played during the examination of all the witnesses. It is submitted that the complainant and other eye-witnesses have been examined, no other public witness has to be examined. The applicant has been in custody since 14.06.2023 and he has no previous involvements. It is further pointed out that he was previously released on interim bail and had surrendered without misusing the concession granted to him.

5. Learned APP for the State, submits both the witnesses *i.e.*, the complainant as well as the injured eye-witness have correctly identified the



applicant and the incident is also covered by the CCTV footage which had been played during the examination of the said witnesses. It is submitted that in view of the above, the applicant was present at the spot at the time of the incident.

6. Heard learned counsel for the parties and perused the records.

7. It is pointed out that out of the 15 Prosecution Witnesses cited, only 4 witnesses have been examined so far. The veracity of the said witnesses is a matter of trial and will be determined by the learned Trial Court. No other public witness remains to be examined. As per the nominal roll, the applicant has been in custody since 14.06.2023. On a pointed query, it is stated that the present applicant is not involved in any other case. He was released on interim bail once from 23.01.2025 to 25.01.2025 and he had duly surrendered without misusing the liberty granted to him.

8. In totality of the facts and circumstances, the present application is allowed. The applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 25,000/- with two sureties of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions: -

- i. The applicant shall not leave India without prior permission of the learned Trial Court.
- ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
- iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- iv. The applicant is directed to give his mobile number to the Investigating



Officer and keep it operational at all times.

- v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
  - vi. The applicant shall report at the concerned Police Station on every Monday at 4:00 P.M. and the concerned officer is directed to release him by 5:00 P.M. after recording his presence and completion of all the necessary formalities.
9. The application is allowed and disposed of accordingly.
10. Pending application(s), if any, also stands disposed of.
11. Needless to state, nothing mentioned hereinabove is an opinion on the merits of the case and any observations made are only for the purpose of the present bail application.
12. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
13. Order be uploaded on the website of this court *forthwith*.

**AMIT SHARMA, J**

**MAY 14, 2025/nk/sc**

*Click here to check corrigendum, if any*