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

+ **BAIL APPLN. 45/2026**

GANESH @GANNA

.....Applicant

Through: Mr. Chetan Kaushik, Mr. Nikhil Dabas & Mr. Ashish Kaushik, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Manjeet Arya, APP for State.
Insp. Vivek Singh, PS Alipur.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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02.04.2026

1. The applicant seeks regular bail in connection with FIR No. 530/2021 dated 07.07.2021, registered at Police Station Alipur, District Outer North, Delhi, under Sections 406/34 of the Indian Penal Code, 1860 ["IPC"].
2. I have heard Mr. Chetan Kaushik, learned counsel for the applicant, and Ms. Manjeet Arya, learned Additional Public Prosecutor for the State. Ms. Arya states, upon instructions from Inspector Vivek Singh, Investigating Officer ["IO"], that the family of the deceased has been informed about the pendency of the present proceedings in terms of the order dated 08.01.2026. The family of the deceased, however, remain unrepresented.
3. The FIR was initially registered on 07.07.2021 under Sections 406/34 of the IPC. The complainant stated that a truck bearing



registration No. RJ-01GB-6091 had arrived in Delhi from Gujarat carrying a consignment of 77 tonnes of stainless-steel coils. However, the driver, Asfaq, had been missing since the previous evening, and the truck was found abandoned. The driver's mobile phone was also switched off. The complainant alleged that the consignment carried in the truck had been unloaded at a godown in Khera Kalan, owned by Pradeep Rana, by one Akhilesh Tiwari at the instance of co-accused Bharat Sharma. Although the complainant recovered his goods, a shortage of approximately 30 tonnes was discovered, prompting the registration of the FIR.

4. Seven accused persons have been arrested in the present case, out of whom three have already been granted bail. Nitesh @ Samrat and Rajesh @ Kana were granted bail by orders of this Court dated 18.11.2025 in BAIL APPLN. 2899/2025 and BAIL APPLN. 3426/2025, respectively, and Bharat Sharma was granted bail by the learned Sessions Court on 17.12.2025.

5. Ms. Arya has handed over a status report, which is taken on record. It is stated therein that, in the course of investigation, CCTV footage of the godown where the goods were unloaded revealed the presence of co-accused Bharat Sharma along with 2-3 associates. Co-accused Sher Bahadur was arrested at the instance of a secret informer, and he, in turn, disclosed his involvement with several other associates, including Nitesh @ Samrat, Rajesh @ Kana, as well as the present applicant. The statement of Sher Bahadur further revealed that the truck driver, Asfaq, had been tied with a cloth and thrown into a drain. The body of the deceased was recovered at the instance of co-accused Sher Bahadur and Rajesh @ Kana on 26.07.2021. The body was found in a decomposed



state, decapitated, and with the legs missing. Accordingly, Section 302 IPC was added in the chargesheet. The post-mortem report did not reveal a definite cause of death.

6. The principal ground urged by Mr. Kaushik is one of parity with the cases of Nitesh @ Samrat and Rajesh @ Kana, to whom this Court has already granted bail.

7. As regards the present applicant, the role attributed to him in the status report filed by the prosecution is that, he and Nitesh caught hold of the deceased, while Rakesh @ Bakra @ Bengali and Rajesh @ Kana tied him with a cloth. Co-accused Deepak allegedly stuffed a cloth into his mouth and also covered his eyes with a cloth.

8. The role of the present applicant, even according to the prosecution's case, is thus similar to that of Nitesh @ Samrat.

9. While granting bail to Nitesh @ Samrat, the Court recorded as follows:

*"13. Upon the query of the Court, **the Investigating Officer states that CCTV footage is not clear and the applicant is not clearly visible in the CCTV footage.** The only other evidence, on which the prosecution strongly relies, is the CDR. It is a well settled law that **CDR data can be taken as supporting and corroborative piece of evidence and conviction cannot be based solely on the basis of the CDR data.** Thus, the evidentiary value of the CDRs can only be considered during the trial and not at the stage of consideration of bail application. Reliance in this regard may be placed on the decision of the Supreme Court in ***State (By NCB) Bengaluru Vs. Pallulabid Ahmad Arimutta*** 2022 12 SCC 633. The relevant paragraph of which reads as under:-*

"12. The CDR details of some of the accused or the allegations of tampering of evidence on the part of one of the respondents is an aspect that will be examined at the stage of trial."

14. It is also important to note that the statement of Akhilesh Tiwari has already been recorded before the trial court, and in such statement, he did not identify the present applicant.



15. *The applicant has been in custody for more than four years. Lot of witnesses still remained to be examined, and therefore, there is no possibility of completing the trial in near future. The nominal roll does not indicate any previous criminal antecedents of the applicant. Thus, having considered the totality of facts and circumstances as also the quality of evidence qua the present applicant, the Court is inclined to grant bail to the present applicant. The applicant is admitted to bail upon his furnishing a personal bond in the sum of Rs. 30,000/- with a surety of the like amount to the satisfaction of learned Trial Court/Duty MM with condition that applicant shall not try to tamper with the evidence, shall not try to contact the witnesses and shall cooperate during the trial.”*

[Emphasis supplied.]

10. The factors that weighed with the Court in the aforesaid judgment are, even on the prosecution’s case, equally applicable to the present applicant. The role attributed to the petitioner and Nitesh @ Samrat is similar. The applicant has no prior antecedents and has already been in custody for a period of almost four years and eight months. I am informed that 9 out of 42 witnesses have been examined thus far, and the matter is next listed before the Trial Court, on 13.04.2026 for prosecution evidence. Although material witnesses have been examined, 33 witnesses still remain to be examined, rendering the possibility of an expeditious conclusion of the proceedings remote.

11. Having regard to the aforesaid factors, and particularly to the ground of parity with a similarly placed co-accused, who has been granted bail by this Court, it is directed that the applicant be released on bail in connection with FIR No. 530/2021 dated 07.07.2021, registered at Police Station Alipur, District Outer North, Delhi, under Sections 406/34 of the IPC, subject to furnishing a personal bond in the sum of Rs. 30,000/- with one surety of the like amount, to the satisfaction of the Trial Court/Duty Magistrate, and subject to the following conditions:



- a. The applicant shall appear before the Sessions Court on each and every date of hearing;
 - b. The applicant shall furnish his permanent address to the concerned IO/Station House Officer [“SHO”], as well as the address at which he is residing during the pendency of the case, and shall, in the event of any change in his residential address, promptly intimate the IO/SHO and file an affidavit before the Sessions Court;
 - c. The applicant shall provide his mobile number to the concerned IO/SHO, which shall be kept in working condition at all times. The mobile number shall not be switched off or changed without prior intimation to the IO during the pendency of the trial;
 - d. The applicant shall not, directly or indirectly, contact, visit, or offer any inducement, threat, or promise to any prosecution witnesses or other persons acquainted with the facts of the case;
 - e. The applicant shall not, directly or indirectly, tamper with evidence or engage in any act or omission that could prejudice the proceedings of the pending trial;
 - f. The applicant shall not leave the country without prior permission of the Sessions Court;
 - g. The applicant shall not commit any offence during the period of his release.
12. The bail application is disposed of in terms of the above.
13. It is clarified that any observations made in the present order are solely for the purpose of deciding the present bail application, and shall neither influence the trial proceedings, nor be construed as an expression of opinion on the merits of the case.
14. Copy of the order be communicated to the concerned Jail



Superintendent electronically for information and necessary compliance.

APRIL 2, 2026
'pv/JM'/

PRATEEK JALAN, J