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

\# **CNR No. DLHC010235252025**

\+ **BAIL APPLN. 1591/2025**

RAJU @ MADRASI .....Petitioner

Through: Mr. Kanhaiya Singhal, Mr. Prasanna, Mr. Ajay kumar, Ms. Avantika Shankar, Mr. Mehul Gupta, Mr. Yash Arora, Mr. Naval Goel, Mr. Sarthak Gupta, Ms. Amrita Kumari, Ms. Nivedita Tiwari, Ms. Isha Singh, Mr. Pradeep Yadav, Ms. Disha Sharma, Advs.

versus

THE STATE GOVT OF NCT OF DELHI .....Respondent

Through: Ms. Meenakshi Dahiya, Adv.
SI Krishan V., P.S. Inderpuri

CORAM:
HON'BLE MS. JUSTICE MADHU JAIN

O R D E R

% 06.10.2026

1. This hearing has been conducted through hybrid mode.

2. The present bail application has been filed under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [hereinafter referred to as 'BNSS'], seeking regular bail in ***FIR No. 55/2019*** dated 10.03.2019, registered at Police Station Inderpuri, West District, Delhi, under Sections 302 and 307 read with Section 34 of the Indian Penal Code, 1860 [hereinafter referred to as 'IPC'] and Sections 25/27 of the Arms Act, 1959.

3. Briefly stated, the case of the prosecution is that on 09.03.2019, at about 08:15 PM, the applicant, along with three others, entered FXG Gym at JJ

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Colony, Inderpuri, run by the complainant, Manish Dayma. It is alleged that co-accused Vishal fired at the complainant, who took cover beneath a counter, whereafter the applicant, Vishal and Suneel continued firing inside the gym, while the fourth person damaged its glass panels with a brick. Upon coming out, the applicant allegedly pointed out that a child had witnessed the firing, following which Suneel fired at the child, Prince Raj, aged six years, who subsequently succumbed to his injuries. The applicant is further alleged to have fired at the complainant's brother, Mahender, causing him a gunshot injury.

4. The applicant was arrested on 10.03.2019. According to the prosecution, an empty fired cartridge was recovered during his personal search and a country-made pistol was subsequently recovered at his instance. A charge-sheet was thereafter filed against the applicant and the co-accused persons, and the trial is underway. The applicant was granted interim bail during the COVID-19 pandemic and is presently in judicial custody. His application seeking regular bail was dismissed by the learned Trial Court *vide* order dated 12.02.2025.

5. Learned counsel for the applicant submits that this is the applicant's first bail application before this Court and that he has remained in judicial custody since 10.03.2019, i.e., for more than seven years and since all material public witnesses have been examined, the apprehension expressed by the learned Trial Court that the applicant may influence them no longer survives.

6. It is further submitted that the evidence recorded during trial does not support the prosecution's case regarding identification. Although the complainant, Manish Dayma, attributed a role to the accused persons in his examination-in-chief, he admitted during cross-examination that the

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assailants had covered their faces and that he could not identify them. The other material public witnesses, including the father of the deceased child and a neighbour, have also not supported the prosecution case against the applicant.

7. Learned counsel further relies upon the FSL report to contend that the recovered projectile has not been connected with the weapon allegedly recovered from the applicant. Parity is also sought with co-accused Vishal, who has been granted bail despite being attributed the role of firing at the complainant and inside the gym. It is accordingly submitted that the applicant's prolonged custody, notwithstanding his previous involvements, entitles him to regular bail.

8. *Per contra,* learned APP for the State opposes the application, submitting that the applicant participated in indiscriminate firing inside the gym, resulting in the death of a six-year-old child and a gunshot injury to another person. A fired cartridge was allegedly recovered during his personal search and a country-made pistol was recovered at his instance.

9. Learned APP further submits that the complainant identified the applicant in his examination-in-chief and stated that he, along with co-accused Suneel and Vishal, was armed with a pistol and had participated in the firing. The complainant's deposition, therefore, cannot be selectively read at the stage of bail.

10. Learned APP also relies upon the applicant's criminal antecedents and submits that he allegedly committed another offence while on COVID-19 interim bail, resulting in the registration of another FIR. It is submitted that his antecedents, conduct and the gravity of the offence disentitle him to bail.

11. This Court has heard the respective learned counsel[s] for the

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concerned parties and perused the material placed on record.

12. The record reflects that while the applicant was on interim bail during the COVID-19 pandemic, he allegedly committed another offence, leading to the registration of ***FIR No. 410/2022*** at Police Station Kirti Nagar, West District, under Sections 308, 324 and 341 read with Section 34 of the IPC. His conduct, therefore, *prima facie* reflects misuse of the liberty granted to him.

13. The applicant also has multiple prior criminal antecedents which when coupled with his conduct during the period of interim bail, raise a reasonable apprehension that he may again misuse the concession of bail.

14. Further, the role attributed to the applicant in the present case cannot be treated as peripheral. As per the prosecution, after the firing inside the gym, the applicant noticed the six year old child, Prince Raj and stated that he had witnessed the firing, whereafter co-accused Suneel fired at the child, resulting in his death. The alleged conduct of the applicant, being an integral part of the same transaction, is a material circumstance weighing against the grant of bail.

15. Insofar as the plea of parity is concerned, the grant of bail to a co-accused does not, by itself, entitle the applicant to the same relief. Parity must be assessed having regard to the role, antecedents and conduct of each accused. In the present case, the applicant's criminal antecedents and misuse of interim bail materially distinguish his case from that of the co-accused who has been granted bail.

16. Accordingly, as no ground for grant of regular bail is made out, the present bail application is dismissed and thereby disposed of.

17. Nothing hereinabove shall be construed as an expression on the merits of the case.

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18. Pending application[s], if any, also stand[s] disposed of.

19. A copy of this order be sent to the concerned learned Trial Court for necessary information and compliance.

20. The order be uploaded on the website *forthwith*.

MADHU JAIN, J

OCTOBER 6, 2026/*prg*/**PG**

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