$~6

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

\# **CNR No. DLHC010357062026**

\+ BAIL APPLN. 3148/2026

RAKESH @ RAJU .....Petitioner

Through: Mr. Saksham Aggarwal, Advocate.

versus

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

Through: Ms. Shubhi Gupta, APP for State with Inspector Virender Singh, P.S.: S.B. Dairy.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

O R D E R

% 04.11.2026

1. By way of the present bail application, the applicant seeks grant of regular bail in connection with FIR No. 369/2022, dated 24th May, 2022, for offences under Sections 365/302/201/120B/34 of the Indian Penal Code, 1860 ('IPC') registered at Police Station Shahbad Dairy.

2. It is stated that the applicant has been in custody since 30th May, 2022, for more than four (4) years.

3. The case of the prosecution is that the complainant, Ajay, gave a statement that on 23.05.2022 he alongside with some friends and the deceased/Sandeep @ Paji were walking at about 10:30 PM on the road near Akhada in Murga Market, Shahbad Dairy, when co-accused persons stopped them and threatened to kill the Sandeep @ Paji. The complainant and his friends escaped leaving behind the Sandeep @ Paji and later heard a sound of firing. Accordingly, the present FIR was registered and investigation was started. The applicant was arrested on the disclosure statement of the co-

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 06/11/2026 at 11:51:01

accused persons. As per the investigation the applicant joined the co-accused persons who were beating up the deceased. The applicant then picked up the deceased and thereafter threw the body of the deceased in Badli canal near Kheda bridge where the police recovered the body of the deceased.

4. Counsel appearing on behalf of the applicant submits that there are no eye witnesses in the present case and the case against the applicant is only based on circumstantial evidence. He further submits that all accused persons including the main accused Rohit have been granted bail. He further submits that all public witnesses have been examined and two (2) of the said witnesses have been turned hostile.

5. Status report has been filed on behalf of the State. Ms. Shubhi Gupta, APP appearing on behalf of the State opposes the present bail application. It is submitted that the allegations against the applicant are serious and he is involved in a murder case. She further submits that the applicant along with other co-accused persons were arrested on the disclosure statement of the co-accused. As per the CCTV footage of the incident, the applicant was seen carrying the dead body on his shoulders.

6. She further submits that as per the analysis of the CDR, the applicant was in touch with other co-accused persons.

7. None appears on behalf of the family of the victim despite intimation of the present bail proceeding.

8. I have heard counsel for the parties and examined the material on record.

9. At this stage, it appears that the evidence against the applicant is primarily in the nature of circumstantial evidence. There is no direct evidence incriminating the applicant with the commission of the alleged

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 06/11/2026 at 11:51:01

offence of murder.

10. As noted above, two (2) of the public witnesses have turned hostile and have not supported the case of the prosecution. Out of total of fifty-nine (59) witnesses, only fourteen (14) witnesses have been examined till date. Therefore, the trial is likely to take considerable period of time to conclude.

11. It is a matter of record that the main co-accused person Rohit has been granted bail by Co-ordinate Bench of this Court *vide* order dated 7th May, 2026.

12. The applicant has remained in judicial custody since 30th May, 2022.

13. As per the nominal roll, the applicant has been convicted for another offence under Section 304 (II) of the IPC and has been awarded sentence of seven (7) years. However, this Court has suspended the sentence of the applicant *vide* order dated 6th May, 2020 in CRL.A.1059/2017. For the present offence the applicant was released on interim bail earlier and has duly surrendered on time. Conduct of the applicant in jail has been satisfactory.

14. Considering the totality of facts and circumstances, and taking into account the period of custody undergone by the applicant, nature of evidence presently available and the fact that the trial is likely to take some time, this court is inclined to grant bail to the applicant.

15. Accordingly, the applicant is directed to be released on bail, subject to the applicant furnishing personal bond in the sum of Rs.20,000/-, with one local surety in the like amount to the satisfaction of the Trial Court, and subject to the following conditions:

a. The applicant shall provide his latest mobile number(s) to the concerned Investigating Officer ("I.O.")/Station House Officer

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 06/11/2026 at 11:51:01

("S.H.O."), which shall be kept in a working condition at all times. The mobile number shall not be switched off or changed without prior intimation to the I.O.

b. The applicant shall furnish his permanent address to the I.O., as well as the address where he is residing during the pendency of the matter, within one (1) week from today, and will inform the I.O. and this Court in case of any change in address.

c. The applicant will appear before the Trial Court as and when the matter is listed for hearing.

d. The applicant shall not leave the country without the permission of the Court.

e. The applicant shall not commit any offence during the period of their release.

f. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.

16. The application is disposed of in the above terms.

17. Needless to state that any observations made herein are purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on the merits of the case.

18. Copy of the order be forwarded to the Jail Superintendent for necessary compliance.

AMIT BANSAL, J

NOVEMBER 4, 2026
at

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 06/11/2026 at 11:51:01