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

+ BAIL APPLN. 4704/2025 & CRL.M.A. 36261/2025

RISHABH

...Applicant

Through: Mr. Sarthak Tomar, Advocate

Versus

STATE (GOVT. OF NCT OF DELHI)

...Respondent

Through: Mr. Raghuinder Verma, APP for
State with Mr. Ashish Mahani and
Mr. Aditya Vikram Singh,
Advocates with Insp. Arvind, PS:
M. Marg and Insp. Aditya Ranjan,
Security Unit

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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16.03.2026

1. Father of the deceased, present in Court, submits that he does not wish to engage any lawyer. Be that as it may, Mr. Anuj Kapoor, Advocate is appointed as *amicus curia* to assist this Court.
2. By virtue of the present application under *Section 439* of the Code of Criminal Procedure, 1973, the applicant seeks grant of regular bail in proceedings arising out of FIR No.116/2018 dated 25.10.2018 registered under *Sections 302/34* of the Indian Penal Code, 1860 (*IPC*) and *Sections 25/27* of the Arms Act, 1959 (*AA*) at PS: Mandir Marg.
3. As per FIR, on the night of 25.10.2018 at around 11:30 PM, the complainant and his cousin/ the deceased were dancing in a group, walking from the Valmiki Temple, Mandir Marg towards Peshwa Road on the occasion of Valmiki Jayanti when they encountered an unknown person of tall and broad built, whom the deceased teased. The said person later returned with 3-4 more unknown persons, one of whom shot the



deceased, who was declared brought dead upon reaching the RML Hospital, leading to the present FIR being registered. During investigation, the applicant was identified as the one who fatally shot the deceased, and he was accordingly arrested on 02.11.2018.

4. The charge-sheet has since been filed and the charges have been framed. Further, *vide* order dated 22.11.2025, the latest bail application filed by the applicant before the learned Additional Sessions Judge, Patiala House Courts, New Delhi (***learned ASJ***) was rejected. The present is his first bail application before this Court.

5. Learned counsel for the applicant submits that the eye-witnesses examined till now have already turned hostile on the point of identification of the applicant, and as of now, there are neither any eye-witnesses nor the complainant himself who have identified the applicant was present at the place of the incident. Further, there is no CCTV footage to prove the case of the prosecution. Despite the same, the applicant has been under prolonged incarceration since the year 2018, and the trial is yet far from conclusion, as only 13 out of the 42 prosecution witnesses have been examined. Lastly, since all the public witnesses have already been examined, as also since the applicant is a law-abiding citizen with clean antecedents and deep roots in the society, there is no possibility of his tampering with the evidence or absconding, even if, granted bail.

6. *Per contra*, learned APP for the State submits that though the eye-witnesses have turned hostile, the version of the prosecution is supported by the nature of injuries sustained by the deceased as per the Post-Mortem Report. Further, since the applicant played the central role in the commission of the offence, i.e. fatally shooting the deceased, considering



the heinousness of the act as well as the maximum punishment upon conviction being imprisonment for life, the applicant ought not to be released on bail.

7. Learned *amicus curie* has also made submissions supporting the case of the State.

8. Heard learned counsel for the applicant as also learned APP for the State and learned *amicus curie*, and perused the documents on record.

9. *De hors* the serious nature involved, coupled with the role assigned to the applicant, since it is an admitted fact that the prosecution witnesses have turned hostile, and at the moment, there are no eye-witnesses and/ or concrete material placing the applicant at the scene of the incident, it is necessary for this Court to take the same into consideration at this stage. Moreover, not only the applicant has been languishing in jail for nearly the past *six years* but the trial is likely to take time as there are still 29 *prosecution witnesses* remaining to be examined, barring the public witnesses. Records also reveal that on previous release on bail during COVID-19, the applicant did not misuse his liberty.

10. Based thereon, the present application is allowed and the applicant be released on regular bail in proceedings arising out of FIR No.116/2018 dated 25.10.2018 registered under *Sections 302/34 IPC* and *Sections 25/27 AA* at PS: Mandir Marg, upon him furnishing a personal bond in the sum of Rs.50,000/- [*Rupees Fifty Thousand Only*] along with one surety of the like amount by a family member/ friend having no criminal case pending against him/ her and subject to the satisfaction of the learned Trial Court, and further subject to the following conditions:

- i. Applicant shall not leave NCT of Delhi without prior



permission of this Court and shall ordinarily reside at the address as per prison records. If he wishes to change his residential address, he shall immediately intimate about the same to the IO by way of an affidavit.

ii. Applicant shall surrender his passport, if any, to the IO, within a period of *three days*.

iii. Applicant shall appear before the Court as and when the matter is taken up for hearing.

iv. Applicant shall provide all his mobile numbers to the IO concerned which shall be kept in working condition at all times and setting for mobile location be kept on at all times.

v. Applicant shall report to the IO at PS: Mandir Marg once every month in the first week of the month unless leave of every such absence is obtained from the learned Trial Court.

vi. Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, or tamper with the evidence of the case.

11. Copy of this order be sent to the concerned Jail Superintendent for information and compliance.

12. The application is accordingly disposed of.

13. The observations expressed hereinabove, if any, being tentative in nature, will not come in the way of any subsequent proceedings, which shall be dealt on their own merits.

SAURABH BANERJEE, J.

MARCH 16, 2026/So