



\$~5

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

+ **BAIL APPLN. 4726/2025, CRL.M.A. 36427/2025**

AKASH @ GADDA

.....Applicant

Through: Mr. Varun Dev Mishra, Advocate

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Meenakshi Dahiya, APP for the State with Mr. Aditya Vikram Singh and Ms. Upasna Bakshi, Advocates alongwith Insp. Sharad Kumar Bishnoi, ASI Jai Singh, PS SMRS Mr. Kamal Nayan Tiwari, Advocate for complainant alongwith complainant in person

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER
29.04.2026

%

1. By virtue of the present bail application under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**), the applicant seeks grant of regular bail in FIR No.04/2025 dated 17.02.2025 registered at PS: Sabji Mandi Railway Station, Delhi under *Sections 103(1)/61(2)/109(1)/238/3(5)* of the Bhartiya Nyaya Sanhita, 2023 (**BNS**) and under *Sections 25/27* of the Arms Act (**AA**).

2. *Succinctly put*, as per the case set up by the prosecution, as per intimation received on 17.02.2025, the Investigating Officer (**IO**) reached the place of incident and found that Mr. Mukesh (**victim**) had already been



taken to the LNJP Hospital. Although upon reaching the Hospital, the IO found that the victim was unfit to give a statement, however, the brother of the victim, Mr. Vipin was present, who disclosed that on the date of the incident, a boy working at the shop of the applicant had informed him that the victim had been shot near the Railway Station. Thus, Mr. Vipin and the father of the victim took the victim to the Hospital.

3. During investigation, the father of the victim as also other witnesses disclosed that there was prior enmity between the co-accused persons, including the applicant herein over some gambling debts. On 19.02.2025, pursuant to the CCTV footage verifying two persons absconding from the scene of crime, the co-accused, Mr. Shivam, was arrested, whereby, during his interrogation, it was evinced that the applicant had provided the *Katta* as also that there was prior enmity between the applicant and the victim.

4. In fact, during further interrogation on 20.02.2026, the Special Cell, Delhi Police informed the IO that the applicant as also the co-accused, Mr. Aman, were in their custody in some other FIR. In the meanwhile, on 23.02.2025, the victim (***deceased***) succumbed to his injuries at LNJP Hospital at 12:12 PM, after which *Sections 103(1)/61(2)/238 BNS* were added to the present FIR. Thence, on 04.03.2025 the applicant was formally arrested and upon being interrogated he revealed his specific role as also the existence of enmity *inter-se* the co-accused person and the victim.

5. In the proceedings before the learned Trial Court, the charge-sheet has been filed and the matter is next listed for framing of charges.

6. Based thereon, learned counsel for the applicant submits that **(i)** the



applicant is a young boy and he has been falsely implicated in the present FIR since there is no CDR and/ or *prima facie* evidence against him as also there are no prior criminal antecedents; **(ii)** there is no enmity between the deceased and the applicant, on the contrary, they have always been friends till the date of the incident, for which a recent YouTube video has also been annexed with the present application; and that **(iii)** since there is no direct role attributed to the applicant as also considering the discrepancies in the statements made by the witnesses and the charge-sheet has already been filed, the present application ought to be allowed.

7. *Per contra*, learned APP for the State, relying upon the Nominal Roll submits that the applicant is involved in *two* other FIRs. This clearly demonstrates the intent of the applicant to mislead this Court by pleading that there are no prior criminal antecedents. He also submits that the question of enmity has been disclosed by the witnesses as also the aforesaid YouTube video cannot be a ground which can be considered during the grant of the present bail application. He, lastly, submits that considering the allegations levelled against the applicant herein are grave and serious in nature and there is every possibility that if enlarged on regular bail, he will threaten the witnesses and flee away from the justice, as he is having a notorious nature and he will involve himself in other similar offences against the society.

8. Supporting the submissions made by the learned APP for the State, learned counsel for the complainant submits that since a *prima facie* case has been set out against the applicant herein, the present application ought to be dismissed.

9. Heard. Perused the records as well.



10. As is trite, the issue of discrepancies in the statements of the witnesses as also the issue of enmity is not to be adverted to whilst adjudicating an application of an accused seeking grant of a regular bail, since they are to be determined at the stage of trial. Also, the records reveal that the applicant herein is involved in a heinous and serious offence. Also, as per the Nominal Roll the applicant is also involved in two other FIRs, involving crimes of heinous nature.

11. Cumulatively taken, coupled with the essential parameters to be kept in mind whilst adjudicating an application wherein the accused like the applicant is seeking regular bail as also since the matter is at a nascent stage, there is no reason for allowing the present application of the applicant at this stage.

12. In view of the afore-going, the present regular bail application, along with the pending application, is dismissed.

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

APRIL 29, 2026/rr