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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 4902/2025

MAHIPAL

.....Applicant

Through: Mr. Zeeshan Diwan (DHCLSC)
with Mr. Harsha & Ms. Ankita
Yadav, Advs.

versus

**THE STATE GOVT OF NCT
OF DELHI**

.....Respondent

Through: Mr. Aashneet Singh, APP for
the State
Inspector Kaushlesh Kumar
Jha, PS- Swaroop Nagar with
Mr. Dharmender (Brother of
Deceased) & Mr. Tushar (Son
of Deceased) in person

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

12.03.2026

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1. The applicant seeks regular bail in FIR No. 149/2019 dated 29.04.2019, registered at Police Station Swaroop Nagar, for offence under Sections 302/34 of the Indian Penal Code, 1860.
2. Status report is handed over in Court today. The same is taken on record.
3. Briefly stated, it is the case of the prosecution that on 29.04.2019, a DD entry was recorded in relation to a dead body found lying at Nathupura Shamshan Ghat, who was later identified as Jitender. Thereafter, the FIR was registered on a complaint given by the victim's brother who alleged that the accused, namely, Ajay and Vijender, were looking for the victim on 28.04.2019. The complainant suspected that the said accused persons would have inflicted the injuries on the victim as he had not returned the mobile phone of



accused Ajay.

4. During the course of investigation, it was found that the victim had developed an acquaintance with accused Ajay, Vijender Pal and the applicant and he had taken a mobile phone from the accused Ajay. Allegedly, as the victim had not returned the mobile phone nor paid the amount for the same, the accused persons had beaten the victim with sticks, which led to his death. It is further alleged that a person, namely, Pramod, who was a neighbour, had witnessed the accused persons giving beatings to the victim.

5. The learned counsel for the applicant submits that the applicant has been in custody from more than five years and the trial is not likely to conclude in the near future.

6. He further submits that the eye witness in the case has passed away without deposing before the Court and the conviction of the applicant is unlikely.

7. The learned Additional Public Prosecutor for the State submits that serious allegations have been levelled against the applicant and he was specifically named by the eye witness to have inflicted injuries along with other accused persons, which led to the death of the victim.

8. I have heard the counsel and perused the record.

9. It is not disputed that at the time of registration of FIR, the applicant was not named by the complainant to have visited him while looking for the victim. Further, at this stage, after the death of the eye witness, *prima facie*, the police has placed no cogent circumstantial evidence to establish the applicant's involvement in the offence.

10. As also pointed out, the applicant has already spent more than five years in custody. In such circumstances, no purpose would be served by subjecting the applicant to further incarceration.



11. The applicant is also stated to be of clean antecedents. He is also stated to be sole bread earner responsible for his wife and minor children.

12. In view of the above, in the opinion of this Court, the custody of applicant is no longer required.

13. The applicant is therefore admitted on bail and he is directed to be released on furnishing a personal bond for a sum of ₹20,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. 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;
- b. The applicant shall under no circumstance leave the country without the permission of the learned Trial Court;
- c. The applicant shall appear before the learned Trial Court as and when directed;
- d. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- e. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

14. In the event of there being any FIR/DD entry/complaint lodged against the applicant, it would be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

15. It is clarified that any observations made in the present order are



for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

16. The bail application is allowed in the aforementioned terms.

MARCH 12, 2026
“SS”

AMIT MAHAJAN, J