



\$~6

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

+ **BAIL APPLN. 1933/2023**

RAJDEV

..... Applicant

Through: **Mr. Manoj Singh and Mr. Mohit Garg, Advs.**

versus

STATE OF NCT OF DELHI Respondent
Through: **Mr. Aman Usman, APP with SI Sukh Chain.**

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDE R

%

30.04.2024

1. This application has been filed under Section 439 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking bail in FIR No.0258/2013, registered at Police Station: Nihal Vihar, West-District, Delhi under Sections 302/506/120B/34 of the Indian Penal Code, 1860 (in short, 'IPC').
2. Without going into much detail, suffice it to say that the case of the prosecution hinges around the statement of Smt. Khushi (PW-18), who is stated to be the witness to the applicant being last seen with the deceased.
3. As per the Status Report dated 30.04.2024, out of a total of 62 witnesses cited by the prosecution, 31 witnesses have been examined before the learned Trial Court.
4. The learned APP, on instruction, submits that, in fact, certain witnesses have been dropped and only 31 witnesses are to be



examined, out of which 30 have already been examined. He submits that as co-accused persons have absconded, therefore, the trial is not progressing.

5. The learned counsel for the applicant submits that there are no other criminal cases pending against the applicant.

6. It is also important to note that the applicant claimed that he had been granted *interim* bail by this court vide order dated 30.06.2020 passed in Bail Appln. 1378/2020 titled as ***Rajdev v. The State (NCT of Delhi)*** based on the recommendation of High Powered Committee regarding the Under Trial Prisoners, which indulgence he has not misused and had duly surrendered on time and he had been appearing before the learned Trial Court on regular basis.

7. Keeping in view the above facts and circumstances of the present case, it is directed that the Applicant be released on Bail in FIR No.0258/2013, registered at Police Station: Nihal Vihar, West-District, Delhi on furnishing a personal bond in the sum of Rs.10,000/- with one local surety of the like amount to the satisfaction of the learned Trial Court, and further subject to the following conditions:

- i. Before being released on bail, the applicant shall provide the details of permanent address where the applicant would reside post his release. The said address shall be verified by the Investigating Officer (IO) and only on receipt of a satisfactory report, the learned Trial Court would release the applicant on bail;
- ii. The applicant shall also intimate the Court, by way of an affidavit, and to the IO regarding any change in his



residential address;

- iii. The applicant shall not leave the NCT of Delhi without the permission of the learned Trial Court and shall also surrender his passport;
- iv. The applicant shall physically report to the SHO/IO/Duty Officer of Police Station-Nihal Vihar, Delhi on every alternate Saturday;
- v. The Applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing;
- vi. The applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.

8. Needless to state, any observation touching upon the merits of the case is 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 matter.

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

10. Copy of this order be sent to the Jail Superintendent for information and necessary compliance.

NAVIN CHAWLA, J

APRIL 30, 2024/Arya/ss

[Click here to check corrigendum, if any](#)