

IA No. 04/2025
SC No. 41/2019
State Vs. Gautam @ Sachin
FIR No. 65/2018
PS: Mauric Nagar
U/s: 307/34 IPC

17.02.2025

This is an application under Sec. 483 BNSS filed on behalf of applicant/accused namely Gautam @ Sachin for grant of regular bail.

Present : Sh. Pankaj Kumar Ranga, Ld. Addl. PP for the State.
Ms. Kanchan Dewan, Ld. Deputy Legal Aid
Counsel for applicant/accused (through VC).
IO/WSI Ramawati in person.

Ld. Deputy Legal Aid Counsel for accused/applicant submits that no bail application is pending before the Hon'ble High Court of Delhi and Hon'ble Supreme Court of India.

Reply to the bail application as well as nominal roll has been filed by IO and Jail Superintendent respectively. Same are taken on record.

Ld. Deputy Legal Aid Counsel submits that accused/applicant is in JC since 11.07.2018. She further submits that accused/applicant has been falsely implicated in the present case. She submits that at the time of incident there was dark at the spot of incident and hence the complainant/victim was not in a position to identify the accused/applicant. She further submits that co-accused namely Kishan has already been granted by the Hon'ble High Court Of Delhi vide order dated 11.11.2024. She

further submits that co-accused was also involved in other cases also and since he has been granted by the Hon'ble High Court Of Delhi, the accused/applicant should also be granted bail on the principle of parity. She further submits that the complainant and material witnesses have already been examined as PWs and no fruitful purpose will be served by keeping the accused/applicant in JC and hence he should be granted bail.

Per contra, Ld. Addl. PP for the State submits that the accused/applicant has committed heinous offence. He further submits that the accused/applicant is involved in other cases also and hence he should not be granted bail.

I have heard the submissions and perused the record.

The accused/applicant is in JC for a period of more than six years. The complainant and other material witnesses have already been examined as PWs. Co-accused Kishan has already been granted bail by Hon'ble High Court Of Delhi and principle of parity is applicable in the present case. The overall jail conduct of accused/applicant for last one year has been found satisfactory.

In view of the facts and circumstance of the case as well as principle of parity, the present application filed under Sec. 483 BNSS for grant of regular bail is hereby allowed.

Accordingly accused/applicant is granted regular bail on furnishing personal bonds in sum of Rs. 15,000/- with one surety in the like amount, on the following terms and conditions:-

1. The applicant/accused shall keep his mobile phone on at all times;
2. The applicant/accused shall make no contact with the prosecution witnesses;
3. The applicant/accused shall not tamper with the evidence in any manner and shall not try to influence the witnesses directly or indirectly;
4. The applicant/accused shall commit no offence whatsoever and in the event of his being involved in any other case and lodging of FIR of DD entry against him, the State shall bring the same to the notice of the Court forthwith;
5. The applicant/accused is directed not to threat the complainant/witnesses in any manner and shall not come in the vicinity of the complainant/witnesses.
6. The applicant/accused shall intimate this court as and when he changes his residential address.

The State is at liberty to file the cancellation of the bail of the accused/applicant, if he violates the conditions of the present bail order.

The bail application stands disposed off accordingly.

Copy of this order be given Dasti to all concerned.

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A soft copy of this order be sent to Jail Superintendent today itself through e-mail as per the directions issued by the Hon'ble Supreme Court of India in SMWP(Crl) no. 4/2021 vide order dated 31.01.2023.

(Virender Kumar Kharta)
ASJ/FTC-02(CENTRAL)
TIS HAZARI COURTS:DELHI :17.02.2025