

IA No. 03/2025
SC No. 379/2019
State Vs. Vijay & Ors.
FIR No. 227/2018
PS: Daryaganj
U/s: 302/34 IPC

07.04.2025

This is the application under Sec. 483 BNSS filed on behalf of applicant/accused namely Vijay for grant of regular bail.

Present : Sh. Pankaj Kumar Ranga, Ld. Addl. PP for the State.
Sh. S. A. Rajpoot, Ld. Counsel for applicant/
accused.
IO/Inspector Subhash Chand in person.

Ld. 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 has already been filed on behalf of IO.

Ld. Counsel for accused/applicant submits that accused is in JC since 15.09.2018. He submits that the accused/applicant is the real brother of deceased while co-accused Anita is his Bhabi. He submits that the accused/applicant has been falsely implicated in the present case. He submits that there is no eyewitness of the alleged incident and the present case is based on circumstantial evidence. He further submits that nothing has been brought on record to prove that accused/applicant was having illicit relationship with co-accused Anita. He further submits that PW-12 Smt. Yamuna has

turned hostile and has not deposed about the illicit relationship of accused persons. He further submits that accused/applicant has been granted interim bail twice and he has surrendered before the Jail Authorities after the completion of period of interim bail. He further submits that accused/applicant has the responsibility of two minor children. He further submits that all the material witnesses have already been examined as PWs and only formal witnesses remained to be examined as PWs who cannot be influenced by the accused/applicant. He further submits that co-accused Anita who is having similar role has already been granted bail by the Hon'ble High Court of Delhi vide order dated 27.02.2025 and on principle of parity, accused/applicant should also be granted bail. He further submits that trial will take a long time and no fruitful purpose will be served by keeping the accused/applicant in JC.

Per contra, Ld. Addl. PP for the State submits that the alleged offence committed by accused/applicant is heinous in nature and accused/applicant has committed murder of his real brother. He submits that several prosecution witnesses are yet to be examined as PWs. He further submits that the present case is based on circumstantial evidence and the prosecution has the material to prove the case through the chain of evidence against the accused/applicant and hence accused/applicant should not be granted bail.

I have heard the submissions and perused the record.

There is delay in lodging FIR in the present case. The present case is based on circumstantial evidence. PW-12 Smt.

Yamuna has turned hostile. As per the nominal roll filed by the Jail Superintendent, the total period of custody of accused/applicant is four years, six months and eighteen days and his overall conduct in the jail has been found to be satisfactory. The accused/applicant has surrendered before the Jail Authorities after the completion of interim bails. Co-accused Anita who is having similar role in the commission of offence has already been granted bail by the Hon'ble High Court of Delhi. The principle of parity is applicable in the present case.

In view of the facts and circumstances of the case and on the principle of parity, the present application filed under Sec. 483 BNSS for grant of regular bail is hereby allowed. **Accused/applicant be released on bail on furnishing personal bond in sum of Rs. 25,000/- 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.

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 :07.04.2025