

IA No. 9/25 in SC No. 3/2019
State Vs. Kishan & Ors.
FIR No. 416/18
PS Karawal Nagar

26.04.2025

ORDER

1. Vide this order I shall dispose off the bail application u/s. 483 BNSS, 2023 moved on behalf of accused / applicant Yogesh for grant of regular bail. Reply filed by the IO.
2. It is submitted by Ld. Counsel for the applicant/accused that there is no other bail application preferred by the present applicant/accused which is pending disposal before the Hon'ble Supreme Court of India, before the Hon'ble High Court of Delhi, or any other Court in the present case FIR.
3. It is submitted by Ld. Counsel for applicant/accused that accused/applicant is in JC since 07.02.2025. The applicant/accused could not appear before this Court on 03.01.2025 and NBWs were issued against him. The non appearance of the applicant/accused before this Court was not deliberate, since he was admitted in "New Being Sober Regd. (Trust) Drug Counseling and Re-habilitation Center (NGO), Giri Market, Loni, Ghaziabad, UP" from 30.11.2024 till 22.01.2025 for alcohol de-addiction. The present application is accompanied with the copy of the certificate issued by the said Re-habilitation Center, duly verifying that he was admitted there on 03.01.2025.

4. It is submitted by Ld. Counsel for applicant/accused that as soon as the applicant/accused was discharged from the Rehabilitation Center on 22.01.2025, he had appeared before this Court on 04.02.2025, however, on that day, the Ld. PO was on leave. Thereafter, on the next day, i.e. 07.02.2025, the applicant/accused had appeared again and since, there was no application seeking cancellation of NBWs issued against him, the applicant/accused was taken into custody.

5. It has been submitted by the Ld. counsel for the applicant/accused that the applicant/accused is ready to abide with any condition that this court may impose upon him. There is no previous involvement of the applicant/accused in any other case and he has absolutely clean antecedents.

6. Per contra, It is submitted by the Ld. APP for the State duly assisted by the IO that the applicant/accused is involved in a case of attempt to murder. The applicant/accused had deliberately not appeared before this Court on earlier occasions and he may yet again abscond, if released on bail at this stage. Therefore, the State is strongly opposing the present application.

7. After considering the rival contention of the parties, considering the facts & circumstances of the present case, that the applicant/accused was granted regular bail in the present case and he could not appear on 03.01.2025, since, he was admitted in Rehabilitation Center, therefore, in the considered opinion of this court, the present applicant/accused has made out his case for grant of regular bail to him. **Hence, the applicant/accused Yogesh**

is admitted to regular bail on following conditions :-

- (i)** On furnishing of personal bond of **Rs. 20,000/- with one local surety** of the like amount, to the satisfaction of this Court.
- (ii)** He shall not leave the country without the permission of this Court.
- (iii)** He shall not try to tamper the evidence or hamper the trial or try to influence the remaining witnesses, in any manner.
- (iv)** He shall furnish his present and permanent address with supporting documents along with an affidavit/undertaking to inform any change thereof without delay to the SHO concerned and the Ld. Trial Court.
- (v)** He shall attend the trial without any single default.

8. Nothing stated herein shall tantamount to any expression or opinion on the merits of the case.

9. The application under Section 483 BNSS, 2023 moved on behalf of applicant/accused Yogesh for grant of regular bail is accordingly disposed of as allowed.

10. Needless to say, that nothing expressed herein shall have any effect on the merits of the case.

11. Copy of this order be sent to Jail Superintendent, Tihar/Mandoli Jail for necessary intimation to the

applicant/accused.

12. Application is disposed off accordingly.
13. A copy of this order be given *dasti* to all concerned parties.

(ATUL AHLAWAT)
ASJ (FTC)/North-
East/KKD Courts/
Delhi/26.04.2025