

IA No. 17/2026 in SC No. 432/2024

Ganesh Sharma Vs. State

FIR No. 208/2025

PS S.P Badli

U/s. 140(1)(3)/142/103(1)/243/238(a)/61/3(5) BNS

08.04.2026

This is an application under Section 483 BNS for grant of regular bail moved on behalf of the accused / applicant namely Ganesh Sharma.

Present: Dr. Sarita Rani, Ld. Addl. PP for the State.

None for the accused / applicant.

Arguments have already been heard.

1. The present FIR bearing no. 208/2025 dated 19.02.2025, was registered under section 140(3)/142 BNS on the basis of missing complaint. However, the completion of the investigation, the chargesheet was filed under section 140(1)/142/103(1)/238(a)/61/3(5) BNS.

2. It was argued by the Ld. Counsel for the accused / applicant that chargesheet has already been filed in this case and in fact, charge has also been framed against the accused / applicant. It was further argued that the accused / applicant has been running in JC more than 1 year. It was further argued that the applicant / accused has been falsely implicated in the present case merely on the basis of concocted disclosures of the co-accused persons, without there being a single *iota* of evidence against the present applicant / accused. It was further argued that disclosure statement is not admissible under section 23 Bhartiya

Sakshaya Adhiniyam. He is also argued that even the inconsistent alleged disclosure statement also did not lead to the discovery of any incriminating evidence against the accused / applicant. It was further argued that co-accused persons Amit Yadav and Nitin Yadav have already been granted bail, hence, it is prayed that the accused / applicant be granted bail on the ground of parity.

It was further argued by the Ld. Counsel for the accused / applicant that neither any weapon nor any other recovery has been effected from the possession of the accused / applicant. It was also argued that the accused has been falsely implicated in the offence of murder, however, the alleged dead body of the deceased is missing. He further argued that even the chair on which, the deceased stated to be expired as per the story of the prosecution was not recovered. He further argued that only evidence is the CCTV footage which according to the chargesheet was fluctuating and nothing was visible clearly. It was further argued that the accused / applicant has no criminal antecedent. Hence, no purpose would be served by keeping the accused behind the bars. It was submitted that applicant/accused is ready to abide by all the terms and conditions, which may be imposed. It is prayed that a lenient view be taken.

3. Per contra, Ld. Addl. PP for the State has vehemently opposed the bail application and argued that allegations against the applicant / accused are serious in nature. It was argued further that the material / public witnesses are yet to be examined. It was further argued by the Ld. Addl. PP for the State that the accused / applicant alongwith other co accused

persons after murdering one person namely Putul, hatched a conspiracy and disposed of the dead body. She further argued that accused/applicant has been actively involved in the offence, hence, prayer is made for dismissal of the bail application.

4. I have heard Ld. Counsel for the accused / applicant and Ld. Addl. PP for the State as well as perused report filed by the IO.

5. On perusal of the record reveals that IO in this case recorded number of disclosure statements of the accused persons, which reveals a different story altogether. In fact, all the disclosure statements inconsistent. Further, for a case of murder, the body of the deceased is a vital evidence, but in the case in hand, the same is missing. The only allegation against the accused / applicant is that through his account, some amount was transferred by two co- accused persons namely Amit Yadav and Nitin Yadav to co-accused Kishan. Neither any weapon nor any other recovery has been effected from the possession of the accused / applicant.

Further, during the course of arguments, it was submitted by the Ld. Addl. PP herself that no DNA profile could be generated from the blood samples.

Charge has already been framed. The public witnesses more specifically, the wife and daughter of the deceased, according to the chargesheet has not witnessed any single incident regarding the alleged offence as the entire evidence are circumstantial in nature. Therefore, as such, there is

no apprehension of influencing of the witnesses on this account. Otherwise also, that can be protected through the stringent conditions. The accused / applicant has no criminal antecedent as per report filed by the IO. The trial shall take its own course, no fruitful purpose would be served by keeping the accused behind the bars. Seeing the totality of the facts and circumstances of the case and in view of the abovesaid discussion, applicant/accused is hereby enlarged on bail on furnishing of bail bond for a sum of Rs. 1,00,000/- (Rs. One Lakh) each with one surety of the like amount, who are permanent resident of Delhi/NCR, to the satisfaction of the court/ concerned Ld. MM/Link MM/Duty MM but subject to the following conditions:

- (a) The applicant/accused shall attend the court proceedings regularly.
- (b) That in case of change of his residential addresses, he shall intimate the Court about the same.
- (c) The accused shall not leave the country without prior permission of the Court.
- (d) The accused shall not indulge into similar offence in the event of release on bail.
- (e) The applicant/accused shall not try to contact or influence the witnesses, in any manner, directly or indirectly.
- (f) In case of flouting of any above conditions by the accused / applicant, the prosecution shall be at liberty to move an appropriate application for cancellation of bail of the accused / applicant.

Application stands disposed off.

6. It is clarified that nothing stated herein shall tantamount to an expression of opinion on the merits of the case.

7. Copy of the order be given dasti to the Ld. Counsel for the applicant/accused as well as be sent to concerned IO, concerned Jail Superintendent, Ld. Secretary, DLSA (North), through all possible modes, as per rules.

(VANDANA)
Addl. Sessions Judge-02(North)
Rohini Courts Delhi
08.04.2026