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Bail IA-5 SC/52847/2016

State Vs. Vishal @ Resham

FIR No. 809/2015

PS Sultanpuri

13.08.2025

Present : Ms. Geeta Bansiwala, Ld. Addl. PP for the State.

Sh. Aseem Bhardwaj, Ld. Amicus Curiae for the accused.

1. This is an application under Section 483 BNS for grant of bail, moved on behalf of applicant/accused Vishal @ Resham.

2. Facts of the case in brief are that on 25.08.2015, an information vide DD NO. 5A was received at PS Sultanpuri that a dead body was lying on the Mangal Bazar road and on reaching the spot by the IO, inside the park, on the right side, about 40 feet ahead of the gate, on the side of the footpath of the park, a male dead body was found face down, soaked in blood, adjacent to wall.

3. It is submitted by Ld. Counsel for applicant/accused that accused has been falsely implicated in this case and is in JC since 16.09.2015 i.e. for more than 8 years, nothing incriminating has been recovered from the possession of accused and the alleged recovery has been planted upon the accused and that he was granted bail during HPC and has not misused the provisions of bail.

4. It is submitted by the Ld. Addl. PP for the State that the case is at the fag end stage and there is significant material against the accused persons. Hence, submitted that the bail be dismissed.

5. Heard. Perused.

6. Considering the fact that accused is in JC since 16.09.2015 and the fact that the present case is based on circumstantial evidence and keeping the accused persons for such a long period would amount to execution of sentence without final outcome of the case and also considering the fact the accused was granted bail during HPC and also considering the fact that the witness summoned by the prosecution through application u/s 311 Cr. P.C could not be examined since January, 2025 and still time would be required to conclude the trial, and considering the the totality of facts and circumstances and apprehension of State, I am of the view that no purpose will be served by keeping the applicant/accused in custody. Therefore, the application is allowed. applicant/accused is admitted to bail on furnishing personal bond in sum of Rs. 50,000/- with one surety of the like amount subject to the conditions that:

(a) Applicant/accused shall provide his all mobile numbers to IO and keep them switched on at all time;

(b) Applicant/accused shall not commit the same offence again;

(c) Applicant/accused shall provide his fresh address by way of an affidavit in the Court after his release and in case of any change in his address shall inform the Court;

(d) Applicant/accused shall appear on each and every date of hearing before the Court.

7. Application stands disposed off. Copy dasti. Copy of this order be also sent to Jail Superintendent.

(SHIVAJI ANAND)
ASJ-02/Spl. Judge (NDPS)
North-West, Rohini Courts, Delhi/13.08.2025