

03.06.2026

***One of the regular stenographers is on leave today.***

Present : Sh. K.D. Pachauri, Ld. Addl. PP for the State.  
Sh. Ravi Soni, Ld. Counsel for the  
applicant/accused.  
IO/Insp. Naveen in person.

1. This is regular bail application under Section 483 BNSS for grant of bail, moved on behalf of applicant/accused Vivek @ Niku.

2. It is submitted by ld. Counsel for applicant/accused that the applicant/accused is falsely implicated in the present case and running in JC since 15.06.2020. It is further submitted that no recovery was effected at the behest of the applicant/accused and no incriminating material has been found against him. It is further submitted that no CDR of mobile phone of applicant/accused has been placed on record by prosecution which could establish the presence of applicant at the spot of commission of alleged offence. It is further submitted that there is no explanation as to how the mobile phone of the deceased was charged by the police. It is further submitted that the material witness had appeared after a gap of many years to give testimony. It is further submitted that one material witness has not been made witness by the IO. Ld. counsel for the applicant/accused has relied upon one judgment passed by Hon'ble Supreme Court of India titled as '*JAVED GULAM NABI SHAIKH VS. STATE OF MAHARASHTRA & ANR., CRIMINAL APPEAL NO. 2787/2024*' decided on 03.07.2024. It is further submitted that applicant/accused has

been enlarged on interim bail by this court at different occasions and he has never misused the concession of bail. Therefore, it is prayed that he be granted bail.

3. It is submitted by the Ld. Addl. PP for the State that offences alleged are very serious in nature and the applicant/accused and complainant lives in vicinity and there is strong apprehension that he may threaten the complainant, if released on bail. It is further submitted that even when PW-1 had appeared on the first date, he had told about the threats by the accused persons and this fact was also noted down in the evidence. It is further submitted that PW-3 i.e. mother of the deceased had clearly stated that the present applicant had left with her son since deceased. Hence, submitted that the bail be dismissed.

4. Heard. Perused.

5. Considering the submission of the prosecution and also taking the note of the fact that PW-3 has supported the case of the prosecution also considering the overall facts and circumstances, the present bail application is dismissed.

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

7. In view of the recommendations of Rules Committee under Section 523 of BNSS, 2023 with respect to the practice directions issued by Hon'be Supreme Court of India in Writ

Petition no. W.P.(C) 1082/2022 Suhash Chakma Vs. Union of India & Ors., the applicant can avail the free legal aid facility from District Legal Services Authority (North-West) at Room No. 405, 4th Floor, District Court Rohini, Delhi-110085. Applicant may contact the authority on phone number 011-27555536 or through mail at e-mail ID northwest-dlsa@nic.in.

**(SHIVAJI ANAND)**  
**ASJ-02/Spl. Judge (NDPS)**  
**North-West, Rohini Courts, Delhi/03.06.2026**