

26.09.2025

Ld. Addl. PP for the State is on leave today.

File is taken up today for deciding the bail application moved on behalf of applicant/accused Vipin.

Present: Ms. Monika Aggarwal, Ld. Subst Addl. PP for State.
None for applicant / accused.

1. Present application u/s 483 BNSS has been moved seeking regular bail for the applicant / accused Vipin who is facing allegations u/s 105/127(2)/308(2)/3(5) BNS.

2. Ld. Counsel for the applicant has submitted that no similar application is pending before any other court.

3. Reply has already been filed.

4. Brief facts of the case, as per reply filed by IO, are that the present case was registered on statement of complainant Bhaiya Lal who alleged in his statement that some persons caught hold his Auto and Auto driver Dilip and they were demanding Rs.20,000/- to release him and calling him near P-1 Park, Sultanpuri. On that, SI Rahul alongwith complainant reached at the spot and found Dilip in injured condition. Accused Vipin, Dushyant, Bheem and Gurudev were apprehended at the spot and two persons escaped from the spot. Later

on, their name revealed as Jatin and Golu. Injured Dilip died during treatment on 25.03.2025. Subsequently, accused Ankit @ Golu was arrested on 25.03.2025. During interrogation, all the accused persons disclosed that they caught deceased Dilip in the apprehension that he is a snatcher and beaten him.

5. Ld. Counsel for applicant/accused argued on the line of bail application and submitted that applicant / accused has nothing to do with the offence as alleged and he has been falsely implicated in this case and running in JC since 24.03.2025. Ld. Counsel submitted that one auto-rickshaw driven by Dilip (now deceased) stopped his auto near the applicant and three persons get down and snatched the mobile phone of applicant and run away in their auto. The applicant chased the auto. The applicant also reached there and caught the auto driver and recovered his mobile phone from the auto driver. The auto driver was in drunken condition. The applicant himself made call at 112 number and applicant also made call to his brother who is also cab driver and disclosed the entire episode to him. In the meanwhile, 4-5 person / associates of auto driver came back at spot. However, the applicant after waiting sometime for police but when the police did not reach at spot, then the applicant left the spot and went to his house at the abovesaid address. At about 03:24 am, one police person also made call to applicant from a mobile number asked about the incident and told the applicant to come at the spot but applicant denied to come at spot as he was already reached at his house. Thereafter, the applicant was called by the police persons in the PS and at about 4:34 SI Rahul made call to the applicant from his mobile number and told the applicant to come

inside the PS and thereafter, applicant was arrested by the police falsely and implicated the applicant falsely in the present Case. That admittedly the applicant not made any call to the complainant and admittedly as per the location of the mobile phone, when the police allegedly reached at the spot alongwith the complainant, the applicant was not present at the spot as at the time, location of the mobile phone of the applicant was at Krishna Vihar where the applicant resides.

6. Ld. Counsel submitted that there is no iota of evidence on record against the applicant / accused and nothing has been recovered from the applicant and has not committed any offence as alleged. The investigation has already been completed and the applicant is no more required for the purpose of investigation. The applicant has already completed a long judicial custody which is much more punishment at the initial stage of case and nothing fruitful is going to be served by keeping the applicant behind the bar. Ld. Counsel submitted that applicant / accused has clean antecedents. Ld. Counsel submitted that applicant / accused undertakes to appear on each and every date of hearing and shall abide by all the conditions if imposed by the Court.

7. Bail application is opposed by Ld. Addl. PP for State stating that allegations against the applicant/accused are serious in nature. He was arrested at the spot on 24.03.2025. The applicant / accused and other accused persons are visible near the place of incident and their mobile locations are also at the spot on the time of incident. Co-accused Gurdev, Bheem, Jatin and Dushyant also made telephone call to the complainant by using phone of co-accused Dushyant and in the call

recording, Vipin and Dushyant are demanding money from the complainant. If applicant / accused is released on bail, he can advance threats to the witnesses and tamper with the evidence. Ld. Additional PP for the State submits that applicant was present at the spot and arrested from there in presence of complainant and cell tower of Sultan Puri and Krishna Vihar are nearby spot and mobile phone use to catch different tower even from the same location.

8. Submissions heard. Record perused.

9. The allegations against the applicant/accused are serious in nature. He was arrested from the spot and his mobile location was found near the spot at the time of incident at the relevant time and he was also found visible near the spot of incident in the CCTV footage collected during investigation. PW Amit has also stated in his statement under section 180 BNSS that applicant/accused Vipin was also involved in the incident and gave beatings to the auto driver. So far as the mobile location of applicant is concerned, merely because the tower may show the location of the mobile at a different place, it would not mean that applicant was also present at the said place. It is not unusual that a phone can connect to different cell tower from the same location. The location of a mobile merely shows the location of that mobile, and no inference can be drawn that even the owner of the said mobile was also present there. As the eye-witness has categorically stated that applicant/accused was present at the spot at the relevant time, no much weightage can be given to the location chart at this stage.

10. The matter is at initial stage and charges are yet to be framed. The material witnesses are yet to be examined. There is great possibility of influencing/threatening the witnesses, if he is release on bail at this stage. Hence, in the opinion of Court, this is not a fit case for grant of bail to the applicant/accused. **Accordingly, application is dismissed.**

11. Observation made herein above shall not affect the merits of this case in any manner.

12. Application stands disposed off.

13. File be put up on date already fixed i.e. **06.10.2025**.

(MUNEESH GARG)
ASJ-03, N/W, ROHINI COURTS
DELHI/26.09.2025