

Bail Application (applicant Ashish Gahlot)
SC No. 439-2023
STATE Vs. SAHIL GAHLOT & Ors.
FIR No. 76/2023
PS : Baba Haridas Nagar
U/s : 302/201/202/212/120B(1) IPC

09.02.2024

Present: Shri Dushyant Siwatch, Ld. Addl. Public Prosecutor
for the State.
Shri Sandeep Rana, counsel for the applicant/
accused.
IO Inspector Abhijeet.

The applicant/accused has moved the second bail application under Section 439 Cr.P.C.

During the course of arguments, it is submitted on behalf of counsel for applicant/accused that the first bail application was filed on behalf of applicant/accused which was dismissed as withdrawn vide order dated 12.07.2023. It is submitted that investigation has been completed and charge-sheet has been filed in the present case. It is submitted that applicant/accused is in custody since 17.02.2023 and falsely implicated on the basis of supplementary disclosure statement of co-accused Sahil Gahlot which is inadmissible in evidence. It is submitted that as per the CDR that all the call details between the applicant/accused and co-accused Sahil Gahlot were only related to borrowing of Verna car which accused Sahil Gahlot wanted to be used for the purpose of his marriage, the keys of which applicant/accused gave to co-accused Sahil Gahlot believing him. It is submitted that the location of applicant/accused does not match with the location of co-accused persons at Paschim Vihar and as per the CDR, the same is shown to be around 2 Km away from Raddison Blue Hotel and accused Ashish Gahlot and not

met co-accused Sahil Gahlot at Radisson Blue Hotel, Paschim Vihar. It is submitted that there is no incriminating evidence against the applicant/accused and it is submitted that applicant/accused is a permanent resident of Delhi and undertakes not to threaten or influence any witness. It is prayed that applicant/accused may be released on bail.

Reply has been filed on behalf of the IO. The same is taken on record.

The present application has vehemently opposed on behalf of learned Additional Public Prosecutor on the ground that the allegations against the applicant/accused are serious in nature. It is submitted that as per the prosecution, co-accused Sahil Gahlot had killed the deceased Nikki Yadav. It is submitted that pursuant to the conspiracy, the applicant/accused provided his verna car to co-accused Sahil Gahlot in which the murder was committed by co-accused Sahil Gahlot in the morning of 10.02.2023 and applicant/accused alongwith other co-accused persons also helped in concealing the dead body inside a refrigerator kept in the *dhaba* of co-accused Sahil Gahlot. It is submitted that co-accused Sahil Gahlot thereafter married another girl on 10.02.2023 which was attended by all the accused persons including the co-accused. It is submitted that applicant/accused was actively involved in conspiracy and was in constant touch with other co-accused persons alongwith co-accused Sahil Gahlot. It is submitted that the present bail application be dismissed.

Rival contentions heard. Record including charge-sheet perused. Considered.

It is seen from the aforesaid facts and circumstances

that the allegations against the applicant/accused are serious in nature. As per the prosecution, it is alleged that the present applicant/accused was a part of criminal conspiracy and had handed over his car to co-accused Sahil Gahlot and in the same car, the murder of deceased was committed. It is further alleged that the applicant/accused also conspired in concealing the dead body of deceased in *dhaba* of co-accused Sahil Gahlot. It is further alleged that the CDR location of the applicant/accused corroborates his presence at Raddison Blue Hotel and also at Uttam Nagar alongwith other co-accused persons pursuant to the criminal conspiracy. The possibility of applicant/accused threatening or intimidating witnesses cannot be ruled out in the facts and circumstances of the case.

Accordingly, in view of the grounds as stated above and in the considered opinion of the Court, no ground is made out for grant of bail to applicant/accused at this stage. Hence, the same is dismissed.

It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

Application is disposed of accordingly.

Copy of this order be given dasti to the counsel for the applicant and IO as prayed for.

Copy of this order be also sent to Jail Superintendent.

(Gurmohina Kaur)
ASJ-05/South-West District,
Dwarka Courts/New Delhi
09.02.2024