

IA No. 02-2024  
SC No. 471-2024  
State Vs. Ashish @ Sahil  
FIR No. 14/2024  
PS : Dwarka North

U/s : 307/387/34/120B IPC & 25/54/59 Arms Act

08.10.2024

**Present:** Shri Dushyant Siwatch, Ld. Addl. Public Prosecutor  
for the State.  
Shri Om Prakash, counsel for the applicant/accused.  
IO Inspector Dinesh in person.

The applicant/accused Ashish @ Sahil has moved  
the 2<sup>nd</sup> bail application under Section 483 BNSS for grant of bail.

During the course of arguments, it has been argued  
on behalf of counsel for applicant/accused that applicant/accused  
has been falsely implicated in the present case and is in custody  
since 11.01.2024. It is submitted that applicant/accused has not  
been identified during TIP proceedings and no recovery has been  
effected qua him. It is further submitted that the handwriting of  
the alleged extortion has not been matched with that of the  
handwriting of applicant/accused. It is further submitted that  
other co-accused persons were allegedly discharged by the IO  
during investigation and there is no incriminating evidence  
against him except disclosure statement. It is further submitted  
that no purpose would be served by keeping the accused behind  
bars and it is prayed that applicant/accused be granted bail.

Reply has been filed by the IO.

The present application has been opposed by Ld.  
Addl. PP for the State on the ground that the allegations against  
the applicant/accused are grave and serious in nature. It is further  
submitted that applicant/accused is a member of gang which is in

the business of extortion by sending extortion letter and in case the victim does not accede to their request, they instigate firing on them. It is further submitted that applicant/accused alongwith other co-accused persons who had done firing on 09.01.2024 at the Office of Shiv Properties. It is further submitted that the possibility of applicant/accused threatening or intimidating witnesses cannot be ruled out in the facts and circumstances of the case. Further, there are chances of fleeing away of applicant/accused from the process of law. It is prayed that present application be dismissed.

Arguments heard. Record perused. Considered.

During the course of proceedings, IO has submitted that in the CCTV footage, accused persons were wearing helmet and shawls and their faces were not seeing and the CCTV footage has been sent to FSL for examination. It is submitted that TIP proceedings have failed.

Perusal of the record reflects that on 09.01.2024 at about 12:30 pm, at Plot No. 146-147, Shiv Properties, Old Palam Road, Kakrola, Delhi two accused persons came on a motorcycle and entered into the shop of Shiv Properties and handed over extortion letter wherein Rs. 1.5 crores was sought in the name of gangsters Kala Jathedi and Raju Basodi. It is alleged that accused was arrested on 16.01.2024. TIP proceedings of the applicant/accused has failed. Trial will take considerable time and applicant/accused is in custody since 16.01.2024 and investigation stands complete qua him, therefore, in view of the aforesaid facts and circumstances, no useful purpose would be served by keeping the applicant/accused behind bars. Hence, the applicant/accused is granted bail on furnishing of personal bond

in the sum of Rs. 50,000/- with two sureties of like amount to the satisfaction of Court and subject to following condition :-

- a) Applicant will report to the IO on first Monday of every month after being released on bail till the examination of public witnesses is completed and shall not leave the city without prior permission of the Court.
- b) Applicant shall appear before the Court as and when the matter is taken up for hearing.
- c) Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses or any family members of the witnesses.

Applicant/accused shall furnish bail bond in terms of judgment passed by Hon'ble Delhi High Court in Crl.M.C.5328/2013 titled Sunil Tyagi Vs. Govt. of NCT of Delhi. Accordingly, the present application U/s 439 Cr.P.C seeking grant of regular bail filed on behalf of applicant/accused is allowed.

Nothing expressed hereinabove shall tantamount to any opinion on merits of this case.

Hard copy of the order be sent to concerned Jail Superintendent through Dak Dispatch and Soft copy be also e-mailed in terms of judgment of Hon'ble Supreme Court in case titled SMWP (Crl.) No.4/2021 in Re Policy Strategy for grant of bail vs. Mr. Gaurav Agrawal, Adv. Amicus Curiae.

Copy of order be also given dasti to Ld. counsel for applicant and IO, as prayed for.

**(Gurmohina Kaur)**  
**ASJ-05/South-West District,**  
**Dwarka Courts/New Delhi**  
**08.10.2024**