

Bail Application No. 93/2025
State Vs. Amit Shukla
FIR No. 356/2024
PS Shakarpur
U/s 55/61(1)/3(5)/95/118(4) BNS &
25 Arms Act

12.02.2025

Present matter has been put up before the undersigned in view of the order no. 1371-1397/Judl/EAST/KKD/Delhi/2025, dated 31.01.2025 passed by Ld. Principal District & Sessions Judge (East), KKD Court, Delhi.

Present:- Sh. S.K. Tripathi, Ld. Addl. PP for the State.
Sh. Vinit Jain, Ld. Counsel for the accused, through VC.
IO/SI Anil Kumar in person.

Reply of the application has been filed.

Counsel for accused has submitted that no other bail application of the accused is pending either before the Hon'ble High Court of Delhi or before any other court; that the accused is innocent and has been falsely implicated in this case; that the accused is in custody since 27.11.2024; that in the instant case, the accused was arrested only on the disclosure statement of co-accused Sandeep Malik, who is already on bail; that in the instant case, none of the sections mentioned in the FIR is attracted against the accused; that there is no evidence to show that the accused had either conspired to commit the offence or he was acting in furtherance of the common intention with the co-accused persons to commit the offence and that no purpose would be served by keeping the accused in custody and therefore, the accused should be admitted to bail.

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Per contra, Ld. Addl PP for the State opposed the application arguing that the accused had been hired by Shivam @ Shibu to kill one Sunder Bhati; that Shivam @ Shibu is still absconding; that the accused had supplied one pistol, 22 cartridges and one country made pistol to co-accused Sandeep Malik; that there are CCTV footages which shows that accused had met Shivam @ Shibu, who is absconding; that the accused had disclosed that he had procured fire arms from one Faheem, who is also still absconding; that the accused committed the instant offence while he was on bail in another case and the application for cancellation of bail of the accused in the said case is pending before Hon'ble High Court of Delhi and that CDR shows that the accused was in constant touch with the co-accused persons.

I have heard the arguments and have gone through the material available on the record.

Allegedly, the investigation is still going on and the co-accused Shivam @ Shibu and Faheem from whom the accused had procured the fire arms are yet to be arrested.

Further, the application for cancellation of the bail of the accused in another case is also pending before the Hon'ble High Court of Delhi.

Apart from this, the accused has been convicted in FIR No. 0481/2008, PS Vasant Kunj North, u/s 302/34 IPC; in FIR No. 0069/2009, PS Vasant Vihar, u/s 364/302/201/394/468/482/34 IPC; in FIR No. 0118/2011, PS Subzi Mandi, u/s 307/186/333/353/148/342/440/120B IPC; in FIR No. 0245/2012, PS Saket, u/s 471 IPC and is also involved in several

other cases and therefore, there is likelihood that if the accused is released on bail, he may commit further offence.

Having discussed as above, this court is not inclined to admit the accused Amit Shukla to bail. Accordingly, the application stands dismissed.

File be consigned to record room.

Copy of the order be given dasti.

(Subhash Kumar Mishra)
Additional Sessions Judge-03,
East, KKD Courts, Delhi
12.02.2025