* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Pronounced on: 19th May, 2025.

\+ BAIL APPLN. 3831/2023

JITENDER DIXIT @ BANTU .....Petitioner

Through: Mr. Tarun Gahlot, Advocate

versus

THE STATE (NCT OF DELHI) .....Respondent

Through: Mr. Mukesh Kumar, APP for the State with ACP Narender Singh, PS ACP/ NR-II, Crime Branch and SI Sachin, PS NR-II, Crime Branch

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J.:

1. The present application under Section 439 of the Code of Criminal Procedure, 1973[1] seeks grant of regular bail in the proceedings arising from FIR No. 55/2016 dated 19th April, 2016, registered at P.S. Crime Branch under Sections 3(1)/3(4)/3(5) of the Maharashtra Control of Organised Crime Act, 1999[2].

PROSECUTION'S CASE

2. The factual background leading to the filing of the FIR, as per the Prosecution is summarised as follows:

2.1 The aforementioned case was registered against one Manoj Morkheri and his associates, part of a structured and well-organised criminal

[1] "CrPC"
[2] "MCOCA"

syndicate, operating primarily in Delhi NCR and adjoining states. The syndicate is stated to be involved in a series of grave offences, including murder, kidnapping for ransom, extortion, robbery, and attempt to murder, which are committed through acts of violence, intimidation, and other unlawful means. These offences were carried out with the objective of deriving pecuniary benefit and securing undue economic advantage. The gang's sustained criminal activities have instilled fear in the region. The members of this syndicate, acting either individually or in concert, operate as part of, or on behalf of, an organised crime network.

2.2 The impugned FIR was registered following a proposal for approval to invoke the provisions of MCOCA under Section 23(1)(a) of the Act in light of the consistent and continuing criminal activities of the syndicate. Manoj Morkheri, acting in concert with his associates, is engaged in organised criminal activity within the meaning of Section 2(1)(e) of MCOCA, primarily for pecuniary gain. They constitute an organised crime syndicate as defined under Section 2(1)(f) of the Act. Their continued engagement in criminal conduct has resulted in accumulation of considerable illicit assets, both movable and immovable, which have been derived from the proceeds of crime. The network allegedly functions with a high degree of coordination, and exerts influence through sustained patterns of criminal conduct.

2.3 The Applicant is an active gang member of the Manoj Morkheri syndicate. He is accused of playing a direct role in multiple offences, including those involving murder, attempt to murder, kidnapping for ransom, and robbery, across different jurisdictions. His arrest in the present case led to his being committed to trial before the Court of the Additional

Sessions Judge, Rohini Courts, where the matter is presently at the stage of prosecution evidence.

2.4 The Applicant has a criminal history. He has been named and arrested along with co-accused Manoj Morkheri in FIR No. 47/2011 at P.S. Dhaula Kuan under Sections 364A/120B/34 IPC, and in FIR No. 408/2010 at P.S. Narnaud under Sections 387/365/364A IPC. Further, after arrest in the impugned FIR under MCOCA, during judicial custody, the Applicant has been involved in FIR No. 477/2019 under Sections 387/34 IPC, P.S. Narela Delhi, in which he has been charge-sheeted, and the case is pending consideration before MM-01 North Rohini Delhi. In light of this record, the Applicant can be described as a habitual and hardened criminal.

FACTS AND CONTENTIONS OF THE APPLICANT:

3. Mr. Tarun Gahlot, counsel for the Applicant, urges the following grounds for seeking grant of bail:

3.1 ***Long Period of Custody and Delay in Trial***: The Applicant was arrested on 17th May, 2016, and has already been in custody since then for almost 9 years. The trial is far from conclusion, with only 30 out of 60 listed witnesses having been examined so far, and no indication that the remaining evidence will be recorded in the near future. The protracted nature of the trial, which cannot be attributed to any delay on the part of the Applicant, ought to weigh in favour of granting him bail. The Supreme Court has consistently held that even in cases involving special statutes like MCOCA, the stringent bail conditions can be relaxed when the accused has undergone long periods of incarceration. In ***Mohd. Enamul Haque v. Enforcement***

Directorate,[3] the Supreme Court held that prolonged incarceration will inure to the benefit of the accused for bail when delay in trial is not attributable to him. In ***Mohd. Muslim v. State (NCT of Delhi)***,[4] the Court affirmed that bail can be granted if there is an undue delay in the trial, even under the stringent provisions of special statutes like the NDPS Act. Reliance is also placed on the judgement in ***Union of India v. K.A. Najeeb***.[5]

3.2 ***Lack of Evidence to satisfy twin conditions under MCOCA***: To invoke Sections 3 and 4 of MCOCA, the Prosecution must establish two essential elements: (i) continuing unlawful activity, and (ii) the involvement of the accused in an organised crime syndicate for pecuniary gain.[6] Neither of these elements is made out in the present case against the Applicant.

3.3 ***Absence of evidence to establish Continuing Unlawful Activity and membership in an Organized Crime Syndicate***: To establish continuing unlawful activity and membership in an organized crime syndicate, it is imperative that there be multiple chargesheets in which the competent court has taken cognizance. In the present case, the Applicant is not involved in any continuing unlawful activity, nor is he a member of any organized crime syndicate. The only case cited against the Applicant is FIR No. 47/2011, in which he was acquitted prior to registration of the present FIR under MCOCA. In any event, even if this FIR were to be considered against the Applicant, there are no other offences committed by the Applicant that could demonstrate his involvement in continuing unlawful activity. Reliance is placed on the judgement of the Supreme Court in ***State of Maharashtra v.***

[3] 2024 SCC OnLine SC 4069.
[4] (2023) 18 SCC 166.
[5] (2021) 3 SCC 713.
[6] Prasad Shrikant Purohit v. State of Maharashtra and Ors., MANU/SC/0449/2015.

Shiva.[7]

3.4 ***Absence of Pecuniary Gain***: The chargesheet is silent on the pecuniary advantage gained by the Applicant. As such, the essential ingredients of MCOCA have not been satisfied in this case, and no evidence has been presented to establish that the Applicant profited from any criminal activity.

3.5 ***Parity with Co-Accused Granted Bail*****:** The Applicant seeks parity with co-accused Sumit @ Sam and Anil Kumar @ Ganja, who have already been granted bail by the ASJ. Furthermore, co-accused Arun has been granted bail by this Court *vide* order dated 7th April, 2025 in BAIL APPLN. 3348/2023, on the ground of prolonged incarceration and delay in trial.

FACTS AND CONTENTIONS OF THE STATE:

4. Mr. Mukesh Kumar, APP for the State, strongly opposes the bail application and makes the following submissions:

4.1 The Applicant's previous criminal record clearly establishes that he is a hardcore criminal. Given this background, there exists a strong apprehension that if granted bail, he may attempt to destroy or obstruct evidence, which justifies his continued detention.

4.2 The allegations against the Applicant are of a serious nature. He is a prominent member of the "Morkheri Gang", and has been implicated in various criminal activities, including kidnapping for ransom and murder across Delhi and NCR, as evidenced by his previous criminal records. Therefore, releasing him on bail could result in the commission of similar offences, pose threats to witnesses, and interfere with the course of justice.

4.3 The proposal to invoke the provisions of MCOCA under Section

[7] (2015) 14 SCC 272.

23(1)(a) of the Act against the Applicant and his associates was initiated by the ACP, Crime Branch Delhi. This request led to the registration and investigation of the case under Sections 3 and 4 of MCOCA. The proposal lists several cases from 2011 onwards, involving the Applicant and his associates in serious offences such as murder, kidnapping, extortion, and other unlawful activities. These acts were carried out using violence, intimidation, and other illegal means with the sole objective of obtaining pecuniary benefits or undue economic advantage.

4.4 For the purpose of establishing "continuing unlawful activity" under Section 2(1)(d), "organised crime" under Section 2(1)(e), and "organised crime syndicate" under Section 2(1)(f), the Prosecution has highlighted that over the past ten years, the court of competent jurisdiction has taken cognizance of more than one chargesheet against this crime syndicate. The summary of the cases referred to in the proposal are set out in the chargesheet dated 17th October, 2016.

4.5 Pertinently, the Applicant, after his arrest in the impugned FIR, has been involved in FIR No. 477/2019 under Sections 387/34 IPC, P.S. Narela Delhi, in which he has been charge-sheeted. Furthermore, the Applicant has been involved in a large number of cases, in which he is either convicted or is presently under trial. Additionally, the Applicant's overall jail conduct has been unsatisfactory, pursuant to which he has been awarded several punishments by the jail authorities.

ANALYSIS

5. The Court has duly considered the submissions advanced by the parties as well as perused the record. Section 21(4) of MCOCA imposes stringent conditions for granting bail, stipulating as follows:

> *(4) Notwithstanding anything contained in the Code, no person accused of an offence punishable under this Act shall, if in custody, be released on bail or on his own bond, unless—*
> *(a) the Public Prosecutor has been given an opportunity to oppose the application of such release; and*
> *(b) where the Public Prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.*

6. In the present case, the principal thrust of the Applicant's plea lies in the prolonged period of incarceration and the undue delay in the conclusion of trial; and the principle of parity with co-accused who have already been granted bail. The Applicant also seeks to invoke his right to avail the relief of bail/ suspension in sentence already granted to him in other cases registered against him, which relief can only be realised upon his release on bail in the present matter.

7. The right to a speedy trial, now firmly entrenched in our constitutional jurisprudence under Article 21 of the Constitution of India, is not an abstract or illusory safeguard. It is a vital facet of the right to personal liberty and cannot be whittled down merely because the case arises under a special statute such as MCOCA.

8. The Supreme Court has consistently held that where trials under special laws are unduly delayed, the rigour of stringent bail provisions must yield to the constitutional promise of liberty. The more rigorous the provisions of the legislation, the more expeditious the adjudication must be.[8] In other words, where enactments stipulate strict conditions for granting bail, it is the unequivocal responsibility of the State to ensure that such trials are prioritized and concluded within a reasonable timeframe. Therefore,

[8] Satender Kumar Antil v. Central Bureau of Investigation, (2022) 10 SCC 51.

although Section 21(4) of MCOCA imposes stringent conditions for the grant of bail, these provisions must be balanced with the fundamental right to personal liberty of the accused, the presumption of innocence, and the societal interest in ensuring the right to a speedy trial.[9]

9. In this context, the observations in the recent decision of ***Mohd. Muslim***, are apposite, where the Supreme Court, while dealing with Section 37 of the NDPS Act, which is *pari materia* to Section 21(4) of MCOCA, held that protracted incarceration as an undertrial, even in cases involving serious offences, must weigh heavily in favour of granting bail, particularly when such delay is not attributable to the accused. The relevant observations are excerpted below:

> *"12. This court has to, therefore, consider the appellant's claim for bail, within the framework of the NDPS Act, especially Section 37. In Supreme Court Legal Aid Committee (Representing Undertrial Prisoners) v. Union of India, this court made certain crucial observations, which have a bearing on the present case while dealing with denial of bail to those accused of offences under the NDPS Act:*
>
> *"On account of the strict language of the said provision very few persons accused of certain offences under the Act could secure bail. Now to refuse bail on the one hand and to delay trial of cases on the other is clearly unfair and unreasonable and contrary to the spirit of Section 36(1) of the Act, Section 309 of the Code and Articles 14, 19 and 21 of the Constitution. We are conscious of the statutory provision finding place in Section 37 of the Act prescribing the conditions which have to be satisfied before a person accused of an offence under the Act can be released. Indeed we have adverted to this section in the earlier part of the judgment. We have also kept in mind the interpretation placed on a similar provision in Section 20 of the TADA Act by the Constitution Bench in Kartar Singh v. State of Punjab [(1994) 3 SCC 569].* ***Despite this provision, we have directed as above mainly at the call of Article 21 as the right to speedy trial may even require in some cases quashing of a criminal proceeding altogether, as held by a Constitution Bench of this Court in A.R. Antulay v. R.S. Nayak [(1992) 1 SCC 225] , release on bail, which can be taken to be***

[9] Vijay Madanlal Chaudhary v. Union of India, 2022 SCC Online SC 929.

> ***embedded in the right of speedy trial, may, in some cases be the demand of Article 21. As we have not felt inclined to accept the extreme submission of quashing the proceedings and setting free the accused whose trials have been delayed beyond reasonable time for reasons already alluded to, we have felt that deprivation of the personal liberty without ensuring speedy trial would also not be in consonance with the right guaranteed by Article 21. Of course, some amount of deprivation of personal liberty cannot be avoided in such cases; but if the period of deprivation pending trial becomes unduly long, the fairness assured by Article 21 would receive a jolt.*** *It is because of this that we have felt that after the accused persons have suffered imprisonment which is half of the maximum punishment provided for the offence, any further deprivation of personal liberty would be violative of the fundamental right visualised by Article 21, which has to be telescoped with the right guaranteed by Article 14 which also promises justness, fairness and reasonableness in procedural matters."*
>
> *13.* ***When provisions of law curtail the right of an accused to secure bail, and correspondingly fetter judicial discretion (like Section 37 of the NDPS Act, in the present case), this court has upheld them for conflating two competing values, i.e., the right of the accused to enjoy freedom, based on the presumption of innocence, and societal interest*** *– as observed in Vaman Narain Ghiya v. State of Rajasthan ("the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal…."). **They are, at the same time, upheld on the condition that the trial is concluded expeditiously.** The Constitution Bench in Kartar Singh v. State of Punjab made observations to this effect. In Shaheen Welfare Association v. Union of India again, this court expressed the same sentiment, namely that when stringent provisions are enacted, curtailing the provisions of bail, and restricting judicial discretion, it is on the basis that investigation and trials would be concluded swiftly."*
>
> [Emphasis Supplied]

10. This view was reaffirmed in the case of ***Satender Kumar Antil v. Central Bureau of Investigation***,[10] where the Supreme Court undertook a comprehensive analysis of earlier decisions dealing with prolonged incarceration and delay in trials. The Court clarified that the mandate under

[10] (2022) 10 SCC 51.

Section 436A of the CrPC, requiring release of an undertrial on bail if the trial is not concluded within a stipulated period, applies equally to prosecutions under special statutes, notwithstanding the rigours they impose. The Court observed as follows:

> *"We do not wish to deal with individual enactments as each special Act has got an objective behind it, followed by the rigour imposed. The general principle governing delay would apply to these categories also. To make it clear, the provision contained in Section 436-A of the Code would apply to the Special Acts also in the absence of any specific provision. For example, the rigour as provided under Section 37 of the NDPS Act would not come in the way in such a case as we are dealing with the liberty of a person.* ***We do feel that more the rigour, the quicker the adjudication ought to be. After all, in these types of cases number of witnesses would be very less and there may not be any justification for prolonging the trial. Perhaps there is a need to comply with the directions of this Court to expedite the process and also a stricter compliance of Section 309 of the Code****."*

11. A similar position was adopted in ***Union of India v. K.A. Najeeb***,[11] where while dealing with bail application under the Unlawful Activities (Prevention) Act, 1967, the Supreme Court underscored that the constitutionality of stringent bail conditions under special enactments, such as the NDPS Act or the Terrorist and Disruptive Activities (Prevention) Act, 1987, must be primarily justified based on the requirement of speedy trials, ensuring that the fundamental rights of accused persons are safeguarded.

12. In ***Ranjana Tanaji Wanve v. State of Maharashtra***,[12] the Supreme Court considered a bail plea in a case where the accused had remained in custody for over two years with minimal progress in trial. This case involved Sections 364A, 384, 386, 388, 323, 506(2), 143, 120B and 34 of the IPC, as well as Sections 3(1)(ii), 3(2), and 3(4) of MCOCA. The Court noted that charges had not yet been framed, and a large number of witnesses remained

[11] (2021) 3 SCC 713.

to be examined. In light of this, it was held that prolonged detention without trial was contrary to the principles of justice, holding that extended detention, without any foreseeable progress in the case, necessitated a reconsideration of the accused's bail application. In such circumstances, the Court granted bail to the accused.

13. Likewise, in the case of ***Siddhant v. State of Maharashtra***,[13] the Supreme Court considered a bail application under MCOCA, and reiterated that excessive pre-trial incarceration, particularly in the absence of any meaningful progress in the proceedings, infringes the fundamental rights of an accused. Relying on the decision in ***Manish Sisodia v. Directorate of Enforcement***,[14] the Court observed that the right to a speedy trial is an essential facet of Articles 19 and 21 of the Constitution. It was held that prolonged incarceration, without trial, amounts to punitive detention prior to adjudication, which cannot be countenanced within our constitutional framework. In ***Siddhant***, where the accused had already spent six years in custody without framing of charges, the Court observed:

> *"10. The material placed on record would reveal that for a period of the last six years, out of 102 dates, the accused has not been produced before the Court either physically or through virtual mode on most of the dates. On the last date, we had put a query to the learned counsel appearing for the State as to why the charges were not framed as of date in this case. Shri Kilor fairly states that the charges have not been framed in the cases which are registered prior to the registration of the present case. We may say with anguish that this is a very sorry state of affairs. If an accused is incarcerated for a period of approximately five years without even framing of charges, leave aside the right of speedy trial being affected, it would amount to imposing sentence without trial. In our view, such a prolonged delay is also not in the interest of the rights of the victim."*

---

[12] Special Leave to Appeal (Crl.) No. 12740/2024, decided on 22nd October, 2024.
[13] 2024 SCC OnLine SC 3798.
[14] 2024 SCC OnLine SC 1920.

14. In view of the above principles, this Court is of the considered opinion that while Section 21(4) of MCOCA imposes stringent statutory conditions for the grant of bail under Section 439 CrPC, these provisions cannot be construed in a manner that forecloses judicial scrutiny under Article 21 of the Constitution. Where there is a manifest and continuing violation of the right to a speedy trial, constitutional courts are not only empowered but duty-bound to intervene.

15. The Court now turns to analyse the case at hand. As per the latest nominal roll, as on 7th May, 2025, the Applicant has already spent 8 years, 11 months, and 24 days in custody. Thus, as of today, he has been in custody for nearly 9 years, and despite the prolonged detention, the trial remains far from its conclusion. Accordingly, this case falls squarely within the purview of Article 21, which guarantees the right to a speedy trial. The status report filed by the State indicates that out of 60 prosecution witnesses, only 35 have been examined so far. The inordinate delay and excessive period of detention violate the Applicant's fundamental rights under Article 21. Therefore, the Applicant's plea for bail, based on these constitutional grounds has merit.

16. In light of the above, the rigour of Section 21(4) of MCOCA stands diluted. Nevertheless, in view of the Prosecution's reliance on the Applicant's involvement in other criminal cases, the Court considers it appropriate to briefly address the same. To this end, the State was directed to submit an updated status report outlining the criminal cases registered against the Applicant, along with the current stage of proceedings in those cases. The details, as provided by the State, are set out below:

Sr no	Case FIR No.	Under Section, PS	Status
1.	43/2015	302/148/149/216/120B IPC PS Sadar, Narwana, Haryana	Convicted, Life imprisonment
2.	27/2015	307/353/186/420/412/473/34 IPC & 25 Arms Act PS Mohana, Sonipat	RI for 7 years
3.	81/2015	302/307/34 IPC & 25/27 Arms Act PS Mundka, Delhi	PT, NDOH – 9.05.2025 (on bail)
4.	477/2019	387/34 IPC PS Narela, Delhi	PT, NDOH – 31.5.2025 (on bail)
5.	55/2016	¾ MCOC Act PS Crime	PT, NDOH – 17.4.25
6.	408/2010	364A/365/387IPC PS Narnaund, Haryana	Acquitted
7.	47/2011	364A/386/174A/120B/34 IPC PS South campus Delhi	Acquitted
8.	1335/2014	302/307/392/397/34 IPC PS Begumpur	Acquitted
9.	960/2014	307/34 IPC PS Kanjhawla	Acquitted
10.	116/2015	392/452/411/34 IPC &25/27 Arms act PS Ranhola, Delhi	Acquitted

17. A review of the Applicant's criminal record indicates that he has either been acquitted or is currently on bail in the majority of the cases registered against him. Significantly, the only case considered by the authorities at the time of granting sanction under MCOCA was FIR No. 47/2011, P.S. Dhaula Kuan, in which the Applicant had already been acquitted prior to the registration of the present FIR under MCOCA. As for

FIR No. 408/2010, P.S. Narnaund, also cited during the approval process, it has been confirmed that the said FIR does not implicate the Applicant. In fact, Mr. Mukesh Kumar, appearing before the Court, clarified that this FIR was registered against another co-accused, namely Jatinder s/o Balbir, and was mistakenly included in the status report due to an inadvertent error.

18. Regarding the two convictions recorded against the Applicant in FIR No. 43/2015, P.S. Sadar Narwana, and FIR No. 27/2015, P.S. Mohana, Sonipat, the Applicant has submitted that he has been granted suspension of sentence in both cases. He has placed on record the order dated 13th December, 2013 passed by the Punjab and Haryana High Court, suspending his sentence in FIR No. 43/2015. A copy of the said order has been handed over across the board, and is taken on record.

19. The State has drawn attention to the fact that the Applicant was implicated in FIR No. 477/2019 registered at P.S. Narela, during the period he was in judicial custody following his arrest in the present matter. The said FIR arose out of an altercation that occurred within the confines and secure precincts of the jail premises. *Prima facie* the incident was not related to any external criminal activity, but was instead a custodial episode involving other inmates or jail personnel. Furthermore, the Applicant has already been granted bail in connection with this FIR.

20. Upon a comprehensive consideration of the foregoing submissions, it emerges that the Applicant has either been acquitted or has been granted bail or suspension of sentence in all the cases referred to by the State. Consequently, the pendency of the present matter stands as the sole impediment preventing the Applicant from availing the benefit of liberty conferred upon him by various judicial orders of competent courts. The

continued deprivation of liberty, despite such favourable orders, assumes particular significance in view of the protracted progress of the trial in the present case. The delay, therefore, not only prolongs the Applicant's pre-trial detention, but also renders nugatory the reliefs granted to him in other matters. Such an outcome defeats the ends of justice and cannot be permitted to persist indefinitely.

21. The Applicant has also sought to advance his case on merits, arguing that the essential ingredients required for an offence under MCOCA– continuing unlawful activity and membership in an organized crime syndicate with the intent to gain pecuniary benefits–are not satisfied in his case. However, at this stage, the Court is not inclined to engage in a detailed examination of the merits of the case or conduct a mini-trial to determine whether the offence against the Applicant is made out. It must, however, be emphasized that the provisions under MCOCA are invoked specifically pursuant to "continuing unlawful activity" committed by the accused. In the present case, the Applicant was not involved in any of the eight prior FIRs considered by the Prosecution for the registration of the current FIR, nor was he named in any of the additional 23 FIRs that the Prosecution relied upon after the investigation concluded.

22. The only FIR that implicates the Applicant is FIR No. 47/11, P.S. Dhaula Kuan, in which he was acquitted well before the registration of the impugned FIR under MCOCA. A perusal of the approval granted under Section 23(1)(a) of MCOCA reveals that the Joint Commissioner of Police, while recording his observations in the approval, acknowledged the Applicant's involvement in only one case, *i.e.*, FIR bearing No. 47/11. However, the authorities failed to consider the fact that the Applicant had

already been acquitted in the aforementioned case.

23. It is also pertinent to highlight that the other FIRs delineated by the State were not considered by the authorities when granting approval under MCOCA, indicating that that the convictions in those cases did not factor into their conclusion that the Applicant was involved in the offense under MCOCA. As such, the only basis for invoking MCOCA against the Applicant appears to be his alleged involvement in FIR No. 47/2011, and the alleged criminal activities of Manoj Morkheri and his associates, who are purportedly part of a larger crime syndicate. This, at the very least, *prima facie* casts a serious doubt in favour of the Applicant.

24. The Applicant has also sought to advance his case on the principle of parity, arguing that co-accused Sumit @ Sam and Anil Kumar @ Ganja, both of whom have multiple prior criminal involvements (seven and nine, respectively), have already been granted bail. By contrast, the Applicant's name figures only in FIR No. 47/2011, P.S. Dhaula Kuan, in which he was acquitted even before the registration of the present FIR under MCOCA. Moreover, co-accused Arun was granted bail by this Court, despite his conviction and sentence for life imprisonment (in another case) having been upheld by the Supreme Court. In comparison, the Applicant's sentence in both cases of conviction has been suspended, and his appeals remain pending. Therefore, considering the principle of parity and the more favourable circumstances of the Applicant, he is similarly entitled to the benefit of bail.

25. In view of the foregoing facts and circumstances, this Court is of the considered view that the Applicant has made out a case for grant of bail. Accordingly, it is directed that the Applicant shall be released on regular bail

on furnishing a personal bond in the sum of INR 50,000/- along with one surety of the like amount to the satisfaction of the concerned Trial Court/ Metropolitan Magistrate, subject to the following conditions:

25.1 The Applicant will not leave the country without prior permission of the Court.

25.2 The Applicant shall provide permanent address to the Trial Court. The Applicant shall intimate the Court by way of an affidavit and to the IO regarding any change in his residential address.

25.3 The Applicant shall appear before the Court as and when the matter is taken up for hearing.

25.4 The Applicant shall provide all mobile numbers to the concerned IO, which shall be kept in working condition at all times.

25.5 The Applicant shall not switch off his phone or change his mobile number without prior intimation to the concerned IO.

25.6 The Applicant will report to the concerned IO on the second and fourth Friday of every month, at 4:00 PM, and will not be kept waiting for more than an hour.

25.7 The Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, or tamper with the evidence of the case.

25.8 It is clarified that the Applicant shall not be released on bail till the time he has secured bail in other cases, as required as per law.

26. It is explicitly clarified that, observations, if any, concerning the merits of the case are solely for the purpose of deciding the question of grant of bail and shall not be construed as an expression of opinion on the merits of the case.

27. In case the Applicant violates any of the aforenoted conditions, or is found to be involved in any other or similar offence, the Prosecution shall be at liberty to seek cancellation of the bail granted to the Applicant, uninfluenced by this order.

28. A copy of the order be sent to the Jail Superintendent for information and necessary compliance.

29. With the foregoing directions, the present application is disposed of.

SANJEEV NARULA, J

MAY 19, 2025/ab