



2025:DHC:6049



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 25.07.2025

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BAIL APPLN. 2151/2025**ASHISH TYAGI**

.....Petitioner

Through: Ms. Rashmi Bhati and Mr. Karan Singh, Advocates.

versus

STATE THROUGH NCT OF DELHI

.....Respondent

Through: Mr. Nawal Kishore Jha, APP for State with Investigating Officer/SI Shriom Dagar.

CORAM: JUSTICE GIRISH KATHPALIA**J U D G M E N T (ORAL)**

1. The accused/applicant, suffering incarceration since 15.03.2025 seeks regular bail in case FIR No. 561/2024 of PS Vikaspuri for offences under Section 309(4)/333/3(5) of BNS. I have heard learned counsel for accused/applicant and learned prosecutor assisted by Investigating Officer/SI Shriom Dagar.

2. Briefly stated, the circumstances relevant for present purposes as culled out of the FIR are as follows. On 03.11.2024 at about 08:00pm when the complainant *de facto* was lying down in his room, 3-4 boys came and placed on his back something similar to a countrymade pistol, threatening to kill him if he raised any alarm. Hearing the commotion, his wife came out of the kitchen and questioned those boys, in response to which those boys threatened to kill her as well. Those boys picked car keys and phone as well



as almirah key and started opening the same. In the meanwhile, Paras Tyagi and Vineet, respectively son and nephew of complainant *de facto* entered, so those boys ran towards the rooftop but one of them was apprehended by Paras Tyagi and Vineet. The apprehended boy disclosed his name as Abhishek. Two of those boys, namely Mahesh and Tushar were apprehended by public and beaten up. Those boys disclosed that they had been sent by Ashish Tyagi (*the present accused/applicant*). The police was called and those three boys were handed over to the police.

3. On behalf of accused/applicant it is contended that he is innocent and falsely implicated in this case.

4. On the other hand, learned prosecutor assisted by the Investigating Officer submits that there is evidence of conspiracy against the accused/applicant.

5. In response to a specific query, the Investigating Officer stated that at the time of the alleged occurrence, presence of the accused/applicant was found in the same area from position of his mobile phone. But in response to further query, the Investigating Officer discloses that the accused/applicant is residing in the same area where the alleged occurrence took place and both places are covered by the same tower of mobile phones.

6. Further, the Investigating Officer also submitted that there is telephonic connectivity between the accused/applicant and the alleged



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robber Mahesh. But in this regard, the Investigating Officer also admits that Mahesh as well as the complainant *de facto* are known to the accused/applicant, therefore, mere telephonic connectivity would not be a sufficient evidence.

7. Most importantly, even as regards the alleged telephonic connectivity, the Investigating Officer in chargesheet dated 25.01.2025 stated that he would file supplementary chargesheet after obtaining CDRs and CAF. But till date, neither any CDR nor any CAF has been obtained across this period of more than six months to show telephonic connectivity between the alleged robber Mahesh and the accused/applicant.

8. In other words, presently there is no evidence that can justify curtailing the liberty of the accused/applicant further. Therefore, the application is allowed and it is directed that the accused/applicant be released on bail subject to his furnishing a personal bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of learned Trial Court.

9. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the accused/applicant.

**GIRISH KATHPALIA
(JUDGE)**

JULY 25, 2025/ry