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

Date of decision: 26.04.2016

+ BAIL APPLN. 137/2016

NARESH KUMAR

Through

..... Applicant
Mr. Gaurav Gaur and Mr. Narender
Gautam, Advocates

versus

STATE (GOVT. OF NCT OF DELHI)

Through

..... Respondent
Mr. Ravi Nayak, APP for State
SI Umed Singh, PS Mianwali Nagar

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. The present is an application under section 438 of the Code of Criminal Procedure, 1973 (Cr.P.C.) read with Section 482 Cr.P.C. seeking pre-arrest bail in FIR No. 804/2015, under Sections 452/323/380/506/34 IPC, registered at Police Station- Mianwali Nagar, Delhi.

2. Mr. Ravi Nayak, learned APP appearing on behalf of the official respondent, on instructions from the Investigating Officer in the subject FIR namely SI Umed Singh, Police Station- Mianwali Nagar, Delhi, states that

the applicant has joined investigation and made himself available for questioning as and when was called upon to do so by the police.

3. It is an admitted position that the prime accused in the subject FIR has already been enlarged on bail by the Sessions Court on 3rd December, 2015.

4. The subject FIR came to be registered as a consequence of an altercation between two groups of people seeking to exercise control over a temple at Jwalapuri, Delhi. It is alleged that the altercation also witnessed unlawful entry into the disputed premises as well as physical assault. However, it is also an admitted position that the injuries suffered by the victims of the said assault were opined to be simple in nature.

5. The applicant is not wanted in any other case in Delhi. At this stage, there is neither any hint nor allegation that the applicant shall not be available to stand trial or that he may attempt to tamper with the evidence or try to influence the witnesses in the subject FIR.

6. In my view, no useful purpose shall be served by requiring the custodial interrogation of the applicant herein.

7. In view of the foregoing, the present bail application is allowed.

8. In the event of applicant's arrest, he shall be released on bail on his furnishing a personal bond in the sum of Rs. 20,000/- with one surety of the like amount to the satisfaction of the Arresting Officer/Station House In-charge subject to the further conditions:-

(i) That he shall continue to co-operate with the investigation and make himself available for questioning to a Police Officer as and when called upon to do so.

(ii) That he shall not try and influence witnesses or tamper with the evidence in the subject FIR.

(iii) The applicant shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the present case so as to dissuade them from disclosing such facts to the Court or to any other authority.

9. With the above directions, the present bail application is disposed of.

SIDDHARTH MRIDUL, J

APRIL 26, 2016
SD