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

+ **BAIL APPLN. 1306/2016**

RAM ASRE @ RAM SUDHARE Petitioner
Through: **Mr. Neeraj Kr. Singh, Adv.**

versus

THE STATE (N.C.T OF DELHI) Respondent
Through: **Mr. Sudershan Joon, APP for State**

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **01.07.2016**

1. This is an application filed under Section 439 Cr.PC by Ram Asre @ Ram Sudhare seeking bail.
2. An FIR No.298/2016 under Section 326/341/34 IPC was registered in PS Ranhola on April 17, 2016, wherein it has been alleged that on inquiry from the injured (complainant) Om Prakash, it is revealed that he and Mahesh Babu were drawing water in the field. It was his turn to draw water in the field but Mahesh Babu denied the same. Hence, a quarrel took place and Ram Ashray who is son of Mahesh Babu along with Rajender who is friend of Mahesh Babu gave spade (kassi) blow on the face of the complainant. Ram Ashray gave several danda blows on several part of the body of the complainant.
3. The status report filed by the respondent states that during investigation of the case on April 17, 2016 all the accused persons namely Mahesh Babu, Rajender and the applicant were arrested and the weapon of

the offence i.e spade (kassi) was recovered from the house of the accused Mahesh Babu. The nature of injury being grievous, Section 325 IPC was added.

4. It is the submission of learned counsel for the applicant that the accused has been falsely implicated in the present case and he has nothing to do with the offence. That apart, he states, the investigations are complete. That apart, the allegation against the applicant is, giving several danda blows. He also states, injuries being grievous, because of the allegation of spade (kassi) blow, which cannot be attributed to the applicant herein. That apart, he also states that the complainant and the applicant are related to each other and the applicant is aged about 22 years and daily wage earner and used to work in the field and has a family to support.

5. Having heard the learned counsel for the parties, it is noted that the allegations against the applicant is giving danda blow on the several parts of the body of the complainant. The use of spade (kassi) is not attributed to the applicant. He is in custody since April 17, 2016, noting the aforesaid circumstances and the fact that the Supreme Court in the case of Vinod Bhandari vs. State of M.P 2015 SCC online, in para 12 has held as under:-

“12. It is well settled that at pre-conviction stage, there is presumption of innocence. The object of keeping a person in custody is to ensure his availability to face the trial and to receive the sentence that may be passed. The detention is not supposed to be punitive or preventive. Seriousness of the allegation or the availability of material in support thereof are not the only considerations for declining bail. Delay in commencement and conclusion of trial is a factor to be taken into account and the accused cannot be kept in

custody for indefinite period if trial is not likely to be concluded within reasonable time. Reference may be made to decisions of this Court in Kalyan Chandra Sarkar vs. Rajesh Ranjan[1], State of U.P. vs. Amarmani Tripathi[2], State of Kerala vs. Raneef[3] and Sanjay Chandra vs. CBI[4]” the petitioner is enlarged on bail on furnishing personal bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the Trial Court subject to further conditions that he shall not contact the complainant, influence the witnesses directly or indirectly and shall not leave the city of Delhi, and would co-operate in the investigation, if not already completed.

The aforesaid shall not be construed as an expression on the merit of the allegation.

The application stands disposed of.

V. KAMESWAR RAO, J
(VACATION JUDGE)

JULY 01, 2016/ak