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

+ BAIL APPLN. 2220/2016

RAHUL DEV @ GHOB

..... Petitioner

Through: Mr. S.C. Jain & Mr. R.K. Kadyan,
Advocates.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Mukesh Kumar, APP along with
Inspector Sukhdev Meena, PS-Pahar
Ganj, for the State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

07.12.2016

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The petitioner has preferred the present bail application to seek regular bail under Section 439 Cr.P.C. in case FIR No.597/2014 under Section 302/ 34 IPC registered at PS – Pahar Ganj. The petitioner is in judicial custody since 20.11.2014.

The submission of learned counsel for the petitioner is that there are no eye-witnesses in the case. The only witnesses are the police officials. The statements of most of them have been recorded. He has referred to the status report, which shows that out of 21 witnesses, the statements of 17 witnesses have been recorded. The remaining witnesses are also police

witnesses.

Mr. Mukesh Kumar, the learned APP has submitted that the involvement of the petitioner in the case is established by the fact that a cross-FIR has been registered being FIR No.596/2014 at PS – Pahar Ganj under Section 323/ 341/ 34 IPC, which shows that the petitioner and the other accused have admitted to have beaten up the deceased in the present case. He submits that the deceased suffered 25 injuries in all, out of which 23 were caused by blunt force and 2 were caused by sharp force. He submits that 16 injuries were given on the head, which caused internal injuries and were collectively sufficient enough to cause death in the ordinary course of nature. Mr. Kumar has read out the said counter-FIR.

In view of the fact that the statement of most of the prosecution witnesses have been recorded; there are no eye-witnesses; and there are only police witnesses and the remaining witnesses are police and doctor witnesses, whose statements have not been recorded, in my view, the petitioner is entitled to regular bail in the present case. From the cross-FIR, it, prima-facie, appears that the present was a case of road rage. No motive appears to have been alleged against the petitioner for commission of the offence.

In these circumstances, the application is allowed. The petitioner is directed to be released on bail subject to:

- i) his furnishing personal bond with one surety in the sum of Rs.20,000/- to the satisfaction of the Trial Court;
- ii) he shall provide his mobile phone number to the Jail Superintendent at the time of his release, which shall be kept in working condition at all times. The same shall not be changed without prior intimation to

the Trial Court;

- iii) he shall report at the local police station to mark his attendance on every Monday at 11:00 a.m.;
- iv) he shall also not indulge in any criminal activity while on bail; and
- v) he shall not contact any of the prosecution witnesses or tamper with the evidence in the case.

DECEMBER 07, 2016

B.S. Rohella

VIPIN SANGHI, J