

#12

* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 08.03.2016

+ BAIL APPLN. 2106/2015

ASHOK

Through

..... Applicant
Mr. Siddharth Tyagi, Advocate along
with applicant

versus

STATE

Through

..... Respondent
Ms. Radhika Kolluru, APP for State
SI Chetan Mandia, PS Sagarpur

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. 633/2015, under Sections 186/332/353/34 IPC, registered at Police Station- Sagarpur, Delhi.

2. Mr. Siddharth Tyagi, learned counsel appearing on behalf of the applicant invites my attention to the order dated 30th October, 2015 passed by the Special Judge, NDPS, New Delhi in Bail Application No. 4574/15 *qua* the subject FIR to urge that the incident in question occurred on 16th

August, 2015 but the victim- Constable Ajay Pal visited the hospital on the next date at about 3.00 P.M.

3. Learned counsel for the applicant further invites my attention to the circumstance that the injuries suffered by Constable Ajay Pal have been opined to be simple in nature.

4. Ms. Radhika Kolluru, learned APP appearing on behalf of the official respondent, on instructions from the Investigating Officer in the subject FIR namely SI Chetan Mandia, Police Station- Sagarpur, Delhi, states that the applicant has joined investigation and is co-operating with the police.

5. 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. 15,000/- 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.

MARCH 08, 2016
SD

SIDDHARTH MRIDUL, J