

#10 & 11

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

Date of decision: 08.02.2016

+ BAIL APPLN. 2726/2015

JAYANT SHARMA

..... Applicant

Through

Mr. Ramesh Gupta, Sr. Advocate with
Mr. Vivek Singh, Advocate along
with applicant

versus

STATE

..... Respondent

Through

Mr. Ravi Nayak, APP for the State
ASI Ranbir Singh, P.S. Neb Sarai
Mr. Anil Sharma and Mr. Vinod
Kumar, Advs. for the complainant

+ BAIL APPLN. 2727/2015

KAMAL SHARMA

..... Applicant

Through

Mr. Ramesh Gupta, Sr. Advocate with
Mr. Vivek Singh, Advocate along
with applicant

versus

STATE

..... Respondent

Through

Mr. M.S. Oberoi, APP for the State
ASI Ranbir Singh, P.S. Neb Sarai
Mr. Anil Sharma and Mr. Vinod
Kumar, Advs. for the complainant

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. The present are the applications 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. 1636/2015, under Sections 34/308 IPC, registered at Police Station- Neb Sarai, Delhi.

2. It is an admitted position that the complainant in the subject FIR has suffered injuries as a consequence of the alleged assault on him on behalf of the applicants herein. However, he has since been discharged from the concerned hospital on the same day and is convalescing at home.

3. Mr. Ravi Nayak and Mr. M.S. Oberoi, learned APP appearing on behalf of the official respondent, on instructions from ASI Ranbir Singh, Police Station- Neb Sarai, Delhi, state that subsequent to the last order dated 17th December, 2015 passed by this Court, both the applicants herein have joined investigation and are co-operating with it.

4. In the present case, it is also an admitted position that the applicants herein have clean antecedents and do not have any previous involvements.

5. At this stage, there is neither any hint nor allegation that the applicants shall not be available to stand trial or that they 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 applicants herein.

7. In view of the foregoing, the present bail applications are allowed.

8. In the event of applicants' arrest, they shall be released on bail on their furnishing a personal bond in the sum of Rs. 50,000/- each with two sureties of the like amount to the satisfaction of the Arresting Officer/Station House In-charge subject to the further conditions:-

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

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

(iii) That the applicants herein 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.

(iv) That the applicants shall also surrender their respective Passport, if any, before the Investigating Officer in the subject FIR, within two days from today.

7. With the above directions, the present bail applications are allowed and disposed of accordingly.

SIDDHARTH MRIDUL, J

FEBRUARY 08, 2016
SD

