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

+ **BAIL APPLN. 1959/2018 and CrI. M.A. 30420/2018**

NARESH KUMAR

..... Petitioner

Through: Mr. Sidharth Luthra, Sr. Advocate with
Mr. Manik Dogra, Mr. Gautam Khazanchi and Mr.
Udit Arora, Advocates

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Amit Ahlawat, APP with SI Krishan
Lal, PS Kalyan puri

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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21.08.2018

The petitioner was arrested during the course of investigation into FIR no.376/18 of police station Kalyanpuri on 29.07.2018. The FIR involves offences punishable under Sections 323, 354, 354B, 308, 34 IPC which relates to the incident that allegedly occurred sometime around 9.45 p.m. on 26.07.2018 outside the residence of the petitioner and the first informant, they being neighbours. The cross-FIR (no.379/18) was registered on 29.07.2018 at the instance of the petitioner respecting the same incident of 26.07.2018. It appears that from the side of the first informant in the case at hand Divakar Gupta and Satyavati Gupta, parents of the first informant, had

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suffered injuries, the injuries of the former being inclusive of one in the head in which regard, the offence under Section 308 IPC has been invoked. It is conceded by the learned Additional Public Prosecutor that the MLC of Rahul, the son of the petitioner would also reflect he having suffered injuries, though the injuries in his respect were simple in nature. The final opinion about the nature of injuries of Divakar Gupta is still awaited. The investigation is likely to take sometime to conclude. No fruitful purpose would be served by keeping the petitioner in custody any further.

Therefore, the application is allowed. In the facts and circumstances set out above, a case for release of the applicant / petitioner on bail is made out. Granted accordingly subject to the following conditions:-

- (i). The petitioner shall furnish a personal bond in the sum of Rs.20,000/- with one surety in like amount to the satisfaction of the trial court.
- (ii). Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the trial court.
- (iii). He shall join the investigation as and when called upon by the investigating officer to do so.
- (iv). He shall scrupulously appear at each and every stage of the proceedings before the trial court so as not to cause any obstruction or delay to its progress.
- (v). He shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.
- (vi). He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade

him from disclosing such facts to the Court or to any police officer or tamper with the evidence; and

(vii). He shall not leave India without the prior permission of the court of cognizance or the trial court, as the case may be, and to ensure due compliance with this condition and shall deposit his passport, if he holds one, with the said court.

The bail application and the application filed therewith are disposed of in these terms.

A copy of this order shall be transmitted to the jail authorities and to the trial court.

Dasti under the signatures of the Court Master.

R.K.GAUBA, J

AUGUST 21, 2018

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