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

+ **BAIL APPLN. 2571/2018 & CrI.M.A. 35342/2018**

GIRISH KUMAR GUPTA

..... Petitioner

Through: Mr. S.K. Mishra, Adv.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. K.S. Ahuja, APP for the State
with SI Arvind Kumar, PS Jaitpur.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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29.11.2018

Further status report dated 26.11.2018 has been submitted in compliance with the directions in the last order. The petitioner herein was arrested on 06.08.2018 during the course of investigation into FIR no. 470/2018 of police station Jaitpur involving offences punishable under Sections 323/308/354/354B/448/506/34 IPC. The incident which is the subject matter of this case relates to 01.08.2018. The investigation of the case has since been concluded and the charge-sheet already laid before the criminal court. It is noted that cross FIR no. 472/2018 was registered respecting the same incident on the complaint of Rani Gupta, wife of the petitioner, the said other case involving offences punishable under Sections 323/354/354B/452/376/34 IPC. The investigation into the cross FIR is stated to be still pending, two of the accused persons namely Vinay Kumar Paswan and Raj Kishore having become elusive.

From the perusal of the charge-sheet in the case in which the petitioner is accused and from the facts concerning the cross FIR and the status report respecting its investigation, it is likely that there was a free for all. It would need investigation and detailed probe as to which party was the aggressor and which party was the one aggressed.

In these facts and circumstances, no useful purpose would be served by keeping the petitioner in continued custody inasmuch as the investigation qua his role has already been completed. The case for release on bail is made out. Granted accordingly subject to the following conditions:-

- (i). The petitioner shall furnish 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 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.
- (iv). 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.
- (v). 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

(vi). 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 petition and the applications 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.

R.K.GAUBA, J

NOVEMBER 29, 2018

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