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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ BAIL APPLN. 1126/2020

ANIL KUMAR Petitioner

Through Mr.Vibhas Kumar Jha, Adv.

versus

STATE, NCT OF DELHI Respondent

Through Mr.Mukesh Kumar, APP for State

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **07.07.2020**

1. This hearing is conducted through video-conferencing.
2. This bail application is filed under section 439 Cr.P.C. seeking bail in FIR No.484/2016 registered under sections 307/452/34 IPC at P.S. Swaroop Nagar.
3. It is stated that the applicant/petitioner is 32 years old and was working as labourer before his arrest on 05.12.2016. It is stated that co-accused, namely, his brother has been granted regular bail in 2017 and that the material witnesses have been examined and only formal witnesses have to be examined by the trial court. It is also claimed that he was falsely implicated in the present case.
4. It is further pleaded that the applicant/petitioner was released on interim bail on 16.02.2018 and this interim bail was extended from time to time. Finally, he was taken into custody on 26.11.2019.
5. A status report has been filed by the State. In the said status report, it is stated that information was received at P.S. Swaroop Nagar regarding a

quarrel in Nagli Poona. The IO rushed to the spot and found that two injured person were shifted to Max Hospital, Shalimar Bagh. The statement of the injured person was recorded where he stated that two person, namely, Manoj and Anil (petitioner) attacked him and his cousin brother Rohit with the help of *kulhadi* and *gyatti*. The doctor has stated the injuries as dangerous and harsh.

6. On the last date of hearing, namely, on 29.06.2020, this court had noted that the petitioner has a criminal involvement in another FIR being No.63/2010 registered under sections 392/394/397/34 IPC at P.S. Swaroop Nagar. The learned counsel for the applicant/petitioner has pointed out that the applicant was acquitted in the said case. The acquittal order dated 15.12.2011 has been placed on record.

7. Learned counsel appearing for the State confirms that the brother of the applicant/petitioner and co-accused has been granted regular bail in 2017.

8. I have heard learned counsel for the parties.

9. It is clear that the co-accused has been granted bail. The petitioner has been on interim bail and there is no allegation of any misuse. Keeping in view the facts and circumstances of the case, the applicant/petitioner is released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the Jail Superintendent/Duty Magistrate, subject to following conditions:

- (i) He will provide his mobile number to the SHO, P.S. Swaroop Nagar, Delhi, which shall be kept in working condition at all times and shall not be changed;
- (ii) He will not leave the jurisdiction of the National Capital

Territory of Delhi without prior permission of the concerned court;

- (iii) He shall not directly or indirectly make any inducement, threat or promises to any witness during the investigation or trial or tamper with the evidence;
- (iv) The petitioner shall appear before the concerned court on all occasions.

10. A copy of this order be sent by the Registry by e-mail to the concerned Jail Superintendent for information and necessary compliance.

11. With the above directions, the application is disposed of.

JAYANT NATH, J.

JULY 07, 2020/v