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

+ BAIL APPLN. 1249/2020

RAJ KUMAR PATHAK @ RAJU JHA ..... Petitioner

Through: Mr. Mritunjay K. Singh, Advocate.

versus

STATE (GOVT OF NCT OF DELHI) ..... Respondent

Through: Mr. Hirein Sharma, APP for State.

**CORAM:**

**HON'BLE MR. JUSTICE NAJMI WAZIRI**

**ORDER**

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**06.07.2020**

1. The hearing was conducted through video conferencing.
2. The petitioner/applicant seeks Regular Bail in case FIR No. 0188/2020 registered under section 326 (B) IPC at Police Station: Khyala, West Delhi.
3. The learned APP contends that the allegation against the petitioner is serious because of the nature of the assault and the material which was thrown upon the complainant. However, the learned counsel for the petitioner submits that the MLC shows that there is no injury on the face or the back or on any part of the body of the complainant because of the alleged material. The so called material has not yet been established to be either corrosive or acid or any other harmful substance. Even the bottle which was allegedly used for throwing the so-called foul material was not

seized but a jar was supposedly seized by the police from another place. The petitioner contends that if the police had reached the site then they could have well found that bottle containing the offensive material from the site, instead only the some jacket with some damages to it, allegedly from corrosive material, but that by itself does not prove that that any corrosive material allegedly used by the petitioner.

4. The learned APP submits that the jar, some of the liquid and other relevant materials have been sent for forensic examination and the results are awaited.
5. The chargesheet has been filed. In effect, the petitioner is not required for any further investigations. He cannot alter the FSL result, whatever that may turn out to be. He has been in custody for a period of over a 100 days. He has deep roots in the society. He has four minor children to take care of and no criminal antecedents as well. The Aadhar Card of the petitioner's spouse has been annexed to the petition (at page 24), which shows their address in Delhi.
6. In the circumstances, the petitioner is granted bail, on his furnishing a personal bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the Duty MM/Jail Superintendent concerned, subject to the following conditions:
  - (i) The petitioner shall keep the SHO/IO concerned informed of his whereabouts every Friday between 11:00 a.m. and 11:30 a.m. through video call and if a video call is not possible, he may send SMS apropos his

whereabouts, as well as “drop-a-pin” on location app to indicate his location. The IO’s telephone number shall be provided to the learned counsel for the petitioner.

- (ii) The petitioner shall not leave the territory of NCT of Delhi.
- (iii) The petitioner shall not contact the complainant(s) in any manner and shall not do anything which will prejudice the case of the prosecution.
- (iv) The petitioner shall provide his contact number to the IO/SHO concerned and shall ensure that such number is reachable at all times.

7. The application stands disposed-off in terms of the above.

8. Nothing stated in this order shall be deemed to be an adjudication on the merits of the case. The Registry is directed to e-mail a copy of this order to the Jail Superintendent concerned for due compliance.

9. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

**NAJMI WAZIRI, J**

**JULY 06, 2020**

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