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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 1295/2020

MUKESH ALIAS PUTTI

.....Petitioner

Through: Mr Anuj Arora, Advocate.

versus

STATE

..... Respondent

Through: Mr G.M. Farooqui, APP for the State.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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08.07.2020

1. The hearing was conducted through video conferencing.
2. The petitioner seeks regular bail in case FIR No.569/2020 under Sections 307/188/34 of the Indian Penal Code ('IPC') registered at Police Station Sultanpuri, New Delhi.
3. The learned counsel for the petitioner submits that no case under section 307 IPC is made out against the petitioner because the FIR itself records that the assault was committed with a knife on the backside of the thighs of the complainant. Therefore, this cannot possibly be considered as a murderous assault. Furthermore, it is argued that the injuries on the person of the complainant are 'simple' in nature, this fact is not disputed by the State. However, the learned APP contends that the petitioner has prior involvements in 22 cases. The petitioner promptly refutes the statement as erroneous in fact because the list of the cases enumerated in the Status Report includes FIRs, which do not even pertain to the petitioner and were filed

against some other persons; and that they all are under s.379 IPC i.e. alleging theft. It is argued that they are stock convenient allegation the police. There is no conviction. The petitioner further contends that prior to incident alleged in the current FIR, the complainant had grievously assaulted the petitioner; regarding which the latter has lodged a complaint at the same police station but it is yet to be converted into a FIR; that the present FIR is more in the nature of a counterattack on the petitioner. The petitioner has roots in society and his address in Delhi is not doubted. The investigation is over.

4. In the circumstances, the petitioner is granted bail, on his furnishing a personal bond in the sum of Rs.15,000/- 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.

5. 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.
6. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

JULY 08, 2020/rd