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

+ **BAIL APPL. 1986/2020**

SANJAY PRAKASH

..... Petitioner

Through: Mr. S.D. Ansari, Advocate

versus

THE STATE (GNCT OF DELHI)

..... Respondent

Through: Dr. M.P. Singh, APP for State with
Insp. Pawan

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER

% **14.09.2020**

1. The present bail application has been filed under Section 439 Cr.P.C. on behalf of the petitioner seeking regular bail in FIR No. 21/2020 registered under Sections 323/451/304/34 IPC at Police Station Sadar Bazar, Delhi.
2. Learned counsel for the petitioner submits that the petitioner is about 55 years of age and as per the allegations levelled in the FIR, the complainant has not ascribed any role to the present petitioner so far as injuries suffered by the deceased are concerned. He has read through the contents of the FIR to submit that the complainant, who is the son of the deceased, stated that initially an altercation took place between *Navin*, son of the petitioner and *Naveen*, brother of the complainant (also son of the deceased) subsequent to which, the present incident took place between the parties. It is further stated that while the present petitioner alongwith *Naveen*

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gave beatings to the complainant, accused *Nitish @ Nonu* and *Sagar @Tannu* gave beatings to *Narender*, the complainant's brother. In the meantime, when Om Parkash (the complainant's father) tried to intervene, he was given beatings by *Naveen* and *Nitin*. He thus submits that it was nowhere alleged that the present petitioner hit the deceased. He further submits that only leg and fist blows were allegedly given in the brawl and it cannot be said that it occurred with a premeditated intention to kill.

3. Learned counsel for the petitioner submits that earlier, *Naveen* son of the deceased had assaulted *Nitish*, son of the petitioner resulting in FIR 169/2019 registered under Section 324 IPC. Lastly, it was submitted that the petitioner has been in custody since 22.02.2020 and charge sheet has already been filed in the present case.

4. Learned APP for the State, on the other hand, has opposed the bail application. He submits there was a common intention, subsequent to which the deceased and other family members were hit resulting in simple injuries on the complainant's wife and his brother.

5. In the entire incident, both sides received injuries. Reliance has also been placed on the MLCs of the accused side. The role of the present petitioner, aged 55 years, is confined to giving blows by hand and legs and that too to the complainant. Looking into the facts and circumstances of the case, the petitioner is admitted to regular bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/Duty MM/concerned Court and subject to the following conditions:-

- (i) The petitioner shall not leave the NCT of Delhi without prior permission of the trial Court.
- (ii) The petitioner shall not try to get in touch with the complainant or any other prosecution witness directly or indirectly and shall not make any effort to tamper with the evidence.
- (iii) The petitioner shall remain available on the mobile number 9811267757, which he undertakes to keep operational at all times.
- (iv) In the event of change of residential address/ contact details, the petitioner shall promptly inform the same to the concerned I.O./Insp. *Pawan* (Mob. No.8750870184) as well as the concerned Court.
- (v) The petitioner shall regularly appear before the Trial Court.

6. With the above directions, the present application stands disposed of. However, nothing stated hereinabove shall be construed as an expression on the merits of the prosecution case. The view is *prima facie* only for the purpose of deciding the bail application.

7. A copy of this order be communicated to the concerned Jail Superintendent electronically.

MANOJ KUMAR OHRI, J

SEPTEMBER 14, 2020

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