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

+ **BAIL APPLN. 395/2023**

GOPAL SHARMA @ MINTU Petitioner

Through: **Mr.D.V.Khatri, Advocate**

versus

STATE NCT OF DELHI Respondent

Through: **Mr.Raghvinder Verma, APP for the**
Stae.

SI Sandeep Kumar, Advocate

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Date of Decision: 07.02.2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 3185/2023 (exemption)

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

BAIL APPLN. 395/2023

1. The present bail application has been filed under Section 439 Cr.P.C. seeking grant of regular bail in case FIR no.0683/2022 registered under Section 307 IPC at PS Swaroop Nagar.
2. Learned counsel for the petitioner submits that the petitioner is in custody since 12.11.2022. Learned counsel submits that the complainant in the present case is closely related to the petitioner. The

complainant is stated to be the sister-in-law of the petitioner. As per the allegations in the FIR the petitioner had gone to the house of the complainant and there, he assaulted the complainant.

3. The order dated 05.01.2023 also indicates that some settlement had taken place between the parties. However, learned Sessions Court has not taken a positive view about this. Today, learned counsel for the petitioner submits that in fact there was some misunderstanding between the parties which led to the registration of the present case. The IO states that there is no other involvement of the petitioner/accused in any other case. IO further submits that the complainant was discharged on the same day and the investigation in the present case is complete.
4. I have considered the submissions. It is settled law that the basic rule of criminal justice system is bail and not jail. The Supreme Court and this court have time and again reiterated that the courts must enforce this principle in practice. It has to be borne in mind that denial of bail amounts to deprivation of personal liberty.
5. Taking into account the totality of the facts and circumstances of the case, the petitioner is admitted to court bail on furnishing a personal bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the trial court subject to the following conditions:
 - a) the petitioner shall cooperate and appear before the IO as and when directed;
 - b) the petitioner shall not leave the city without prior permission of the court concerned;

- c) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
 - d) the petitioner shall provide his/her mobile number(s) to the Police Officer In Charge of the case and keep it operational at all times;
 - e) the petitioner shall drop a PIN on the Google map to ensure that his location is available to Police Officer In Charge of the case; and
 - f) in case of change of residential address and/or mobile number, the petitioner shall intimate the same to the Police Officer In Charge of the case / Court concerned by way of an affidavit.
6. With the above directions, the bail application stands disposed of.
7. Copy of the order be sent to the concerned Jail Superintendent for information and compliance.

DINESH KUMAR SHARMA, J

FEBRUARY 7, 2023

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