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

+ **BAIL APPLN. 1184/2023**

AKASH

..... Petitioner

Through: Appearance not given.

versus

THE STATE NCT OF DELHI

..... Respondent

Through: Mr. Raguvender Verma, APP for
State and Mr. Deepak Kumar PS
Subzi Mandi, Delhi.

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Date of Decision: 13.04.2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 9601/2023

Exemption allowed subject to just exceptions.

BAIL APPLN. 1184/2023

1. The present bail application has been filed under section 439 Cr. P.C, seeking regular bail in case FIR No. 278/2022 lodged at Police Station Subzi Mandi under sections 307/34 IPC.
2. The present FIR was lodged on the statement of Mr Lalit Kumar. A perusal of FIR indicates that the parties are related to each other. On the date

BAIL APPLN. 1184/2023

Page 1 of 3



of the incident, there was some altercation between the younger brother of the complainant and Rajesh when Rajesh slapped Yogesh, at this, the complainant intervened. In the meanwhile, another cousin Akash came there and allegedly assaulted the complainant with a knife on the neck and made 3-4 repeated attacks. However, the complainant saved himself. It has been alleged that Rajesh caught hold of him and Akash again assaulted him with a knife. The complainant states that though he did not suffer any bodily injury, however, his T-shirt was torn and an attempt was also made to badly assault Yogesh. However, he also ran away. The accused is stated to be in custody since 06.05.2022.

3. The bail application was opposed by the APP on the ground that the offence was of serious nature and the applicant is found to be involved in one another case. It was also submitted that the brother of the applicant/petitioner is DC of the area.

4. I consider that detention during the trial cannot be punitive in nature. As per the FIR and the material placed on record, the complainant had received a simple injury. Taking into the account totality of the facts and circumstances, the applicant is admitted to bail on furnishing a personal bond of Rs. 10,000/- with one surety of like amount to the satisfaction of the learned Trial Court subject to the following conditions:

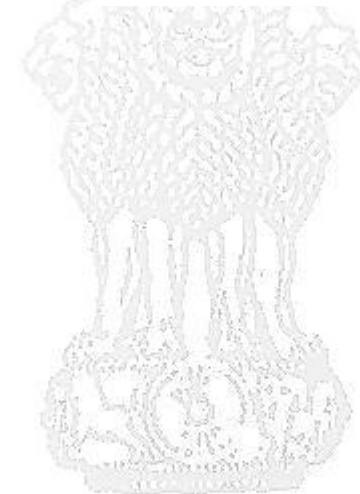
- a) the Petitioner shall attend the trial regularly;
- b) the Petitioner shall under no circumstances leave India without prior permission of the Court concerned;
- c) the Petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;



- d) the Petitioner shall provide his/her mobile number(s) to the Investigating Officer and keep it operational at all times;
- e) In case of a change of residential address and/or mobile number, the Petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.
5. The present petition alongwith the pending applications stands disposed of.

DINESH KUMAR SHARMA, J

APRIL 13, 2023/AR



सत्यमेव जयते