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

+ **BAIL APPLN. 2191/2023**

VICKY @ KAKU

..... Petitioner

Through: **Mr. Vineet Jain, Adv. (VC)**

versus

STATE GNCT OF DELHI

..... Respondent

Through: **Ms. Manjeet Arya, APP for the State
with WSI Amrita, PS Anand Parbat.**

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Date of Decision: 4th July, 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. 17041/2023 (exemption)

Exemption is allowed subject to all just exceptions.

BAIL APPLN. 2191/2023

1. The present application has been filed under Section 439 Cr. PC seeking grant of regular bail in case FIR No.461/2022 registered at PS Anand Parbat under Section 307/34 IPC.
2. The charge-sheet has been filed under sections 307/324/34 IPC and Sections 25/27/54/59 Arms Act.



3. Learned counsel for the petitioner submits that the petitioner is in custody since 23.09.2022. Learned counsel submits that the investigation is complete and the charge sheet has also been filed. It has been submitted that co accused-Nitin has already been admitted to bail.
4. Learned counsel for the petitioner further submits that even as per the medical report dated 15.04.2023 filed by the Deputy Superintendent, the petitioner is not keeping well. Learned counsel submits that therefore the petitioner may be admitted to bail.
5. Learned APP for the State has vehemently opposed the bail application and submits that the role of the present petitioner is the most grave in nature as he was the person who with the buttondar knife caused grievous injuries to the victim.
6. Learned APP further submitted that if the petitioner is released on bail he may threaten the complainant/injured. Learned APP also submits that there is no parity between the petitioner and the co accused Nitin who has been admitted to bail.
7. I have considered the submissions. It is a matter of record that the petitioner is in custody since 23.09.2022. The weapon of the offence has already been recovered and the investigation is complete. The charges are yet to be framed and FSL report has not been filed. It is also a matter of record that the petitioner is having clean antecedents. In the status report, the State only submitted that there is a high possibility that the accused can threaten the complainant/victim, make inducement or threat or promises to witnesses and jump the bail, if he is released bail.



8. I consider that such an apprehension without any substantive reason, cannot be paid heed to. However, in any case, if the petitioner is found to have violated the bail conditions, he will suffer the consequences. Taking into account totality of the facts and circumstances, the petitioner is admitted to Court bail on furnishing personal bail bond of Rs.20,000/- with a surety of the like amount to the satisfaction of the learned Trial Court subject to the following conditions:

- a. The Petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- b. The petitioner shall also report to the IO every week on Wednesday at 5: 00 PM;
- c. The Petitioner shall provide his/her mobile number(s) to the Investigating Officer and keep it operational at all times;
- d. In case of 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.

9. In view of the above, the present bail application stands disposed of.

DINESH KUMAR SHARMA, J

JULY 4, 2023

Pallavi