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

+ **BAIL APPLN. 3484/2022**

DHEERAJ @ BADAL

..... Petitioner

Through: **Mr. Prem Chhetri & Mr. Manoj
Kumar, Advs.**

versus

THE STATE OF NCT OF DELHI

..... Respondent

Through: **Ms. Majit Arya, APP for the State
with SI Raj Kumar Singh, PS
Ambedkar Nagar**

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Date of Decision: 7th July, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The Present application has been filed under section 439 of Cr.PC seeking grant of regular bail in FIR No.165/2022 registered under section 307/34 IPC at PS Ambedkar Nagar.
2. Briefly stated, the case of the prosecution is that, on the statement of complainant of Mr. Gaurav Thomas s/o Rohin Thomas resident of H.No A-65, Khanpur, Ambedkar Nagar, South Delhi, the present case FIR No.165/2022 under Section 307/34 IPC was registered.



3. The complainant has alleged that on 26.02.2022 he was sitting with his friend on a bench at Sheetla Mata Park, B-Block, Dakshinpuri behind Ambedkar Hospital. Three boys namely Badal, Manish and Varun who were known to the complainant, came and asked the Complainant and his friend to leave the bench. On this, an altercation took place and allegedly Badal and Varun held the Complainant and Manish stabbed the complainant with a knife. After this Badal, Varun and Manish ran away from the spot. The Injured/Complainant was taken to the hospital. The injury was found to be grievous in nature.
4. It is submitted that the accused person/Petitioner was arrested on 27.02.2022. The charge-sheet has already been filed. Learned counsel for the petitioner submits that the Examination-in-Chief of injured Gaurav Thomas has been recorded and the statement of Mohan/Golu has also been recorded.
5. Learned counsel has invited the attention of this Court to the testimony of both the witnesses, which are contradictory to each other. Mohan/Golu in his statement has stated that he had reached the incident spot after the incident had taken place and found PW-1 in injured condition.
6. Learned Additional PP has opposed the bail application and submitted that the mother of the victim is yet to be examined and if the Petitioner is released on bail he may try to threaten the witness.
7. The trial is continuing and the learned Trial Court shall appreciate the evidence at an appropriate stage. However, as per FIR, the injury was



caused by co-accused Manish. As per record there are no criminal antecedents of the petitioner.

8. Taking into account the totality of facts and circumstances the Petitioner is admitted to bail on furnishing of a personal bond of Rs.20,000/- with a surety of the like amount subject to the satisfaction of the learned Trial Court subject to the following conditions: -

- a. the Petitioner shall cooperate in the investigation and appear before the Investigating Officer of the case as and when required;
- 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 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.

DINESH KUMAR SHARMA, J

JULY 7, 2023/sa