



\$~4 to 6

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

+ BAIL APPLN. 215/2023

RAHUL@MONTY

.....Petitioner

Through:

versus

STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through:

+ BAIL APPLN. 1098/2023

BRAJESH KUMAR

.....Petitioner

Through:

versus

STATE (NCT OF DELHI)

.....Respondent

Through:

+ BAIL APPLN. 1214/2023

VISHAL TANWAR

.....Petitioner

Through:

versus

STATE (NCT OF DELHI)

.....Respondent

Through:

Presence:

Ms. Richa Kapoor, Mr Kunal Anand, Mr. Rohit Malik and Ms. Atika Singh, Advocates for Petitioner in all items.

Ms. Rupali Bandhopadhyaya, ASC for State with Mr. Abhijeet Kumar, Adv., SI Mayank Istwal and SI Abhishek Guleria, PS: Kalyanpuri in all items.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

%

07.11.2024

1. BAIL APPLN. 215/2023 under Section 438 read with Section 482 of the Code of Criminal Procedure ('Cr.P.C.') has been preferred on behalf of



the petitioner Rahul@ Monty for grant of anticipatory bail in FIR No. 0823/2022, under Sections 307/34 IPC and Section 25/27 of the Arms Act, registered at PS: Kalyanpuri.

2. BAIL APPLN. Nos. 1098/2023 and 1214/2023 under Sections 438 read with Section 482 of Cr.P.C. have been preferred on behalf of the petitioners Brajesh Kumar and Vishal Tanwar, respectively for grant of anticipatory bail in FIR No. 0825/2022, under Sections 307/325/341/34 IPC, registered at PS: Kalyanpuri.

3. Learned counsel for petitioners in respective bail applications submit that both the FIRs arise out of the same incident and interim protection was granted vide separate orders dated 23.01.2023, 13.04.2023 and 10.05.2023 by this Court. They further contend that petitioners have since joined the investigation. The disputes are also stated to have been settled between the parties and separate petitions for quashing of FIRs have been preferred.

4. However, learned ASC for the State opposes the applications and submits that the source of weapon of offence which was recovered from Rahul @ Monty (petitioner in BAIL APPLN. 215/2023) is yet to be ascertained.

5. Admittedly, petitioners in respective bail applications (BAIL APPLN. Nos. 215/2023, 1098/2023 and 1214/2023) have already joined the investigation and weapon used in commission of offence in FIR No. 823/2022 has already been recovered. The matter is further informed to have been settled between the parties and separate petitions for quashing of respective FIRs have also been preferred. The proceedings initiated against Vishal Tanwar under Section 82 Cr.P.C. have also been separately set aside.

Considering the facts and circumstances of the case, without



expressing any opinion with reference to the petitions preferred on behalf of petitioners for quashing of FIRs, in the event of arrest, petitioners be admitted to bail on furnishing a personal bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with one surety each in the like amount to the satisfaction of IO/SHO, P.S. concerned and subject to the following conditions:

- (i) Petitioners shall join the investigation, as and when directed;
- (ii) Petitioners shall not leave the country without the prior permission of the learned Trial Court; and
- (iii) In case of change of address, petitioners shall intimate / communicate their fresh addresses to the Investigating Officer (IO)/ SHO, PS: concerned as well as learned Trial Court.

Applications are accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be kept in connected applications and be also forwarded to the learned Trial Court for information and compliance.

ANOOP KUMAR MENDIRATTA, J.

NOVEMBER 07, 2024/R