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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 284/2024**
MANOJ Petitioner

Through: Mr. Kanhaiya Singhal, Mr. Ujwal
Ghai, Ms. Vani Singhal, Mr. Prasanna,
Mr. Ajay Kumar, Mr. Teeksh Singhal,
Mr. Udit Bakshi, Mr. Anmol Chopra,
Mr. Anmol Sharma and Ms. Deepali
Pawar, Advs.

versus

STATE NCT OF DELHI Respondent

Through: Mr. Ritesh Kumar Bahri, APP for
State with SI Suresh Kumar PS New
Usman Pur

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
07.03.2024

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1. The present application has been filed under Section 439 CRPC seeking grant of regular bail in connection with FIR No. 811/2016 under Sections 302/120B/201/34 IPC registered at Police Station New Usman Pur.
2. The case of the prosecution as borne out from the status report is that on 09.10.2016 on receipt of a PCR Call, ASI Naresh Kumar along with staff reached at 2nd Pusta Ambedkar Bhawan near Rakesh's Shop. He found blood was lying on the road near H. No. 79 and it transpired that the incident had taken place at H.No. 89 Gali No. 5 New Usmanpur, Delhi. Thereafter, the



police reached the hospital and collected the MLC of the injured Anil, which stated – *“alleged history of physical assault at Gali No. 5, New Usmanpur, Delhi and the Pt. was declared dead.”* The complainant Sanjay Kumar, who is the brother of the deceased was also present and his statement was recorded, wherein he stated that *“his brother Anil and Chaman were having partnership in BSES contracting work, Chaman was pressurizing Anil to end the business partnership, but without clearing the outstanding dues of Rs 4 lakh owed to Anil by Chaman. Chaman and his family members had also threatened him to end the partnership otherwise he will face dire consequences.”*

3. It is further case of the prosecution that on 09.10.2016 at about 2:30-3:00 PM Chaman went to the house of deceased Anil and asked Anil to accompany him to his house where Chaman’s father Durga Prasad, brothers Pramod and Manoj were waiting to clear all the dues owed to Anil. At around 6:00 pm when the complainant was sitting near Rakesh’s shop, he saw his brother Anil came running to the shop and he was fully covered in blood. He fell down near Rakesh’s shop. On enquiry, Anil told his brother Sanjay Kumar (the complainant) that Chaman, his brothers Manoj, Pramod (petitioner herein) and their father Durga Prasad assaulted him with the knife, and as soon as he said this, he fell down and became unconscious. On the basis of statement of Sh. Sanjay Kumar, the aforesaid FIR came to be registered.

4. The learned counsel for the petitioner submits that the role of the present petitioner is the same as Pramod who has already been granted bail by this Court *vide* order dated 20.12.2023 in BAIL APPLN. 1512/2023, which position is not in dispute.



5. He refers to the order dated 11.01.2024 passed by the Additional Sessions Judge – 04, North East District, KKD, Delhi to contend that the only ground on which the bail application of the petitioner has been rejected is that when he was granted interim bail on the recommendations of the HPC, the liberty so granted to the petitioner was misused by him in as much as he not only did not surrender after the expiry of bail period.

6. The learned counsel submits that the petitioner could not surrender after the expiry of the interim bail as such interim bail was being extended from time to time by the orders of the Hon'ble Supreme Court and the petitioner lost track of the actual date of surrender.

7. Insofar as another FIR being FIR No. 94/12 registered against the present petitioner under Section 25 Arms Act is concerned, he submits that the petitioner has already been granted bail in the said matter.

8. The main accused namely, Chaman is also stated to be on regular bail.

9. The petitioner is a permanent resident of Delhi and does not appear to be a flight risk. Even otherwise appropriate conditions can be imposed to ensure the presence of the petitioner during trial.

10. Considering the fact that similarly situated co-accused Pramod and main accused Chaman have already been enlarged on bail, this court is of the view that the petitioner is also entitled to regular bail. Accordingly, the petitioner is enlarged on bail subject to his furnishing a Personal Bond in the sum of Rs. 25,000/- and one Surety Bond of the like amount to the satisfaction of the Trial Court/CMM/Duty Magistrate, further subject to the following conditions:-

a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.



b) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.

c) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.

11. The petition stands disposed of.

12. It is made clear that nothing stated above is to be construed as an expression of opinion on the merits of the case.

13. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.

14. Order *dasti* under signatures of the Court Master.

15. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

MARCH 7, 2024

N.S. ASWAL