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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 308/2024**
AJAY

..... Petitioner
Through: Ms. Tanya Aggrawal, Ms. Ritu and
Mr. Akshay, Advocates.

versus

STATE THROUGH SHO PS KALINDI KUNJ AND ANR

..... Respondent
Through: Mr. Manoj Pant, APP for State
alongwith SI Man Mohan and ASI
Rohtash Saini, P.S. Kalindi Kunj.
Mr. Amjad Khan, Advocate for
complainant.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
23.02.2024

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1. By way of the present application filed under Section 439 Cr.P.C, the applicant seeks regular bail in FIR No. 533/2023 registered under Sections 307/436/34 IPC at P.S. Kalindi Kunj.
2. Learned counsel for the applicant states that the incident pertains to intervening night between 31.08.2023 and 01.09.2023. She states that the present FIR is a counter blast to the FIR No. 529/2023 which was registered at an earlier point of time on the same day under Sections 307/324/427/34 IPC wherein one Amit, who is a cousin of applicant, received stab injuries at behest of son of the complainant in the present case. She further refers to the MLC placed on record to submit that the MLC was prepared on the night



of 01.09.2023 at 01:30 AM wherein it was recorded that the incident was caused by some unknown person. She further states that during the investigation, CCTV footage has been seized and the present applicant is not seen in the said CCTV footage. Lastly, it is stated that in the cross FIR, all the accused persons have already been released and that the present applicant is not involved in any other case. It is further stated that the complainant has motive to falsely implicate the applicant as rukka was prepared merely after 12 hours of the incident. It is further stated that the investigation is complete and the chargesheet has been filed.

3. Learned APP for State vehemently opposes the present application stating that there was no delay in registration of FIR and that the complainant had suffered Deep Thermal burn injuries to the extent of 10%. It further stated that the nature of injury has been opined to be dangerous. As per the allegations in the FIR, the accused persons have set the the gate of the complainant's house on fire by pouring petrol on the same.

4. I have heard the learned counsel for the parties and perused the material placed on the record.

5. Considering the facts placed on record, it appears that two incidents have occurred on that date. First incident resulted into registration of FIR No. 529/2023 wherein the complainant's cousin was inflicted with the stab wounds. The second incident occurred later leading to the registration of subject FIR.

6. During the course of submissions, it was pointed out that the CCTV footage was collected which shows only three accused persons were present at the spot whereafter they have broken the CCTV and the applicant is not one of them. On instructions, it is also informed that the applicant is not



involved in any other case.

7. Considering the above-noted observations, the applicant is directed to be released on regular bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety of like amount to the satisfaction of the concerned Jail Superintendent/Duty M.M./Trial Court and subject to the following further conditions:-

- (i) The applicant shall not leave the NCT of Delhi without prior permission of the concerned Court.
- (ii) At the time of furnishing bail bond, the applicant shall provide the mobile number, which he undertakes to keep operational at all times during the pendency of the trial. He shall also furnish fresh address where he will stay.
- (iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned IO as well as to the concerned Court.
- (iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
- (v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.

8. The application stands disposed of in the above terms.

9. Copy of this order be communicated electronically to the concerned Jail Superintendent for information.

10. Copy of this order be uploaded on the website forthwith.

11. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the



trial of the case as the observations are only for the purpose of the disposal of the present application.

MANOJ KUMAR OHRI, J

FEBRUARY 23, 2024/ssc