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

+ **BAIL APPLN. 511/2024**

CHHAYANK KUMAR @ ADDY Petitioner

Through: Mr. Ghanshyam Sharma, Adv.

versus

STATE GOVT. OF NCT, DELHI Respondent

Through: Mr. Ritesh Kumar Bahri, APP for
State with SI Yudhveer Yadav Police
Station Hauz Khas, Delhi

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
12.02.2024

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CRL.M.A. 4435/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The present petition has been filed seeking regular bail in connection with FIR 537/2023 under Sections 186/332/353/307/34 IPC registered at Police Station Hauz Khas.
4. The case of the prosecution is that on 29.12.2023, FIR was registered on the basis of the complaint made by a police official who was deployed in civil uniform at the place of incident at about 01.00 P.M. It is alleged that when he inquired from the accused regarding his identity and other details



on suspicion, as the accused was driving motorcycle with modified silencer without wearing any helmet and his motorcycle was making sound like fire cracker, upon which the accused started quarrelling and along with other co-accused persons attacked the complainant with *kada* and fists giving injuries on his head and face.

5. The learned counsel for the petitioner submits that the status report has already been filed by the State before the learned Additional Sessions Judge, Saket Court, New Delhi, which is on record.

6. He submits that a perusal of the status report shows that the injuries suffered by the complainant are laceration over forehead, abrasion over proximal nose and abrasion over upper lip.

7. He submits that it is the case of the prosecution itself that the police official was in civil dress and the petitioner was not aware that he is a police official and he mistook him as a miscreant who projected himself as a police official.

8. He further submits that the petitioner is in custody since 29.12.2023. According to the learned counsel, the petitioner is a student. In support of his contention he invites the attention of the Court to the Annexure 1, which shows the petitioner to be a student of Indira Gandhi National Open University (IGNOU). He submits that the petitioner has clean antecedents.

9. *Per contra*, the learned APP for the State submits that the injuries suffered by the complainant are grievous in nature. He submits that the petitioner and other co-accused were aware that the complainant is a police official especially when the ID card was also shown by the complainant to the petitioner.

10. I have heard the learned counsel for the petitioner as well as learned



APP for the State and have also perused the status report filed by the State before the Court of the learned Additional Sessions Judge.

11. It is not in dispute that the petitioner and other co-accused were empty handed and there does not appear to be a pre-meditation in the fight. It all happened at the spur of moment. It is also an admitted case of the prosecution that the complainant was in civil uniform.

12. That apart the petitioner is a student who does not have any criminal record, which position is also affirmed by the learned APP, in response to the query posed by the Court, on instructions from the I.O, who is present in Court.

13. The petitioner is already in custody since 29.12.2023 and it appears that his custody is no more required. It is also not the case of the prosecution in the aforesaid status report that he is a flight risk. Therefore, keeping the petitioner, who is a student of young age, in the company of hardened criminals, will do more harm than good to him.

14. Considering the aforesaid facts in entirety, this Court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is admitted to regular bail on his furnishing Personal Bond in the sum of Rs. 25,000/- with one Surety Bond of the like amount subject 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 his permanent address, as well as, his mobile number to the IO concerned. The mobile number 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 any of the witnesses.

15. The petition stands disposed of.

16. It is clarified that the observations made herein above are only for the limited purpose of deciding the present bail application and the same shall not be construed as an expression of opinion on the merits of the case.

17. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance.

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

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

VIKAS MAHAJAN, J

FEBRUARY 12, 2024

N.S. ASWAL