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

+ **BAIL APPLN. 655/2024**

NARENDER

..... Petitioner

Through: Mr.Murari Tiwari and Mr. Rahul
Kumar, Advs.

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Raghuinder Verma, APP for State
with SI Rahul Police Station Swaroop
Nagar

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
26.02.2024

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1. The present petition has been filed under Section 439 Cr.P.C. seeking regular bail in connection with FIR No.731/2023 under Sections 323/452/341/120B/34 IPC registered at Police Station Swaroop Nagar.
2. The case of the prosecution is that on 20.11.2023 an information was received at police station Swaroop Nagar that one person namely, Om Prakash was found in injured condition, who is stated to be working as labourer and had come to live on rent a day ago on the premises allegedly owned by Ms. Rekha Yadav.
3. Insofar as the present petitioner is concerned the allegation is that he



had sent the persons to get the property vacated from Om Prakash who was occupying the top floor as tenant under Ms. Rekha Yadav.

4. The learned counsel for the petitioner submits that the petitioner is property agent and he was not even present at the place of incident when the alleged incident occurred.

5. He submits that even otherwise the civil suit is pending with regard to a property of Late Vinod Kumar Yadav, between Ms. Rekha Yadav wife of Late Vinod Kumar Yadav and another lady namely, Ms. Pooja who also claims to be the wife of Late Vinod Kumar Yadav. He submits that Ms. Rekha Yadav got the FIR registered against the petitioner as she believed that the petitioner was helping the other lady namely, Ms. Pooja, which is not the case.

6. It is also the contention of the learned counsel that co-accused Manohar Lal Saini and Gautam have been granted interim protection whereas co-accused Amit has already been enlarged on regular bail.

7. *Per contra*, the learned APP has argued on the lines of the Status Report.

8. I have heard the learned counsel for the petitioner as well as learned APP for the State and have perused the record. The status report as well as nominal roll of the petitioner has been handed over in Court and the same are taken on record.

9. A perusal of the nominal roll shows that the petitioner is in custody since 02.01.2024 and he has spent almost two months in custody. His Jail conduct has also been mentioned as satisfactory.

10. On a query posed by the Court, the learned APP for the State, on instructions from the IO who is present in Court, fairly states that the CDRs



do not disclose the presence of the present petitioner at the place of incident at the relevant time.

11. It is not in dispute that other co-accused have either been granted regular bail or have been granted interim protection.

12. It has also been pointed out in the status report that the present petitioner is extending threats to the other tenants of the complainant Ms. Rekha Yadav and apprehension is expressed that in case he is enlarged on bail, he will try to influence the witnesses. This apprehension can be dispelled by imposing appropriate conditions.

13. On further query put by the Court, the learned APP states that the investigation is almost complete. Therefore, the custody of the petitioner is no more required.

14. Considering the aforesaid facts and circumstances in entirety and the nature of allegations involved, this Court is of the view that the petitioner is entitled to regular bail. Accordingly, the petitioner is enlarged on regular bail subject to his furnishing a Personal Bond in the sum of Rs. 20,000/- 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.



15. The petition stands disposed of.
16. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.
17. Order *dasti* under signatures of the Court Master.
18. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

FEBRUARY 26, 2024

N.S. ASWAL