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

+ **BAIL APPLN. 734/2024**

RAVIRAJ RAWAL

..... Petitioner

Through: Mr. Ramit Malhotra, Mr. Arvind
Kumar & Mr. Mohd. Wahid, Advocates.

versus

STATE NCT OF DELHI

..... Respondent

Through: Ms. Richa Dhawan, APP with SI
Hemant, PS: Jafrabad, for State.
Mr. Arpit Sharma, Advocate for complainant.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

22.04.2024

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1. This is an application preferred on behalf of applicant Raviraj Rawal S/o Sh. Balraj Singh under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 615/2023 dated 11.12.2023 under Sections 323/341/324/506/34 IPC registered at PS: Jafrabad.
2. Case of the prosecution as per the FIR is that on the night of 10.12.2023, between 11:00 PM to 11:30 PM, Deepak and Kartik were walking in Panchvati Park Ghonda, when Balraj along with another person came close to him and told him to walk on other side of the park and make phone calls from there. Kartik and Deepak started walking on the other side and after taking one round when they came back to spot, suddenly Balraj hit Kartik with a *danda* from the back and he fell to the ground and fainted. After regaining some consciousness, he found himself being beaten by



Balraj, Shyam, Deep Raj Rawal, Jharra, Laddoo and other 4-5 persons and when the family members came to rescue him, they were also beaten. With the help of the Police and family members, Kartik was taken to the hospital and administered treatment. His statement under Section 161 Cr.P.C. was recorded whereafter Sections 307/308 IPC were added in the FIR.

3. Learned counsel for the applicant states that the applicant is innocent and has not committed any offence. After getting interim protection from this Court on 29.02.2024 against coercive action, applicant has joined investigation and is co-operating. Applicant is a 28 year old practicing Advocate in Delhi with clean antecedents and has never been involved in any criminal case. He has deep roots in the society and arrest will adversely impact his entire life and career. The co-accused, who have been ascribed similar roles, have been granted anticipatory/regular bails by the Courts. Section 307 IPC has been wrongly invoked, looking at the nature of injuries and the part of the body, on which they were allegedly inflicted as well as the alleged weapon of offence.

4. It is further urged that applicant was not named in the FIR and the CCTV footage would reveal that the applicant cannot be seen beating anyone with the *danda*. No further recovery is to be made by the investigating agency and applicant is willing to join further investigation and co-operate, as and when called by the IO.

5. Learned counsel for the complainant, on the other hand, opposes the bail application on the ground that the OPPO mobile phone and the chain of the complainant are yet to be recovered and in fact, the Police is not carrying out any investigation on this aspect.



6. Learned APP states that the allegations against the applicant are serious and grave. Applicant is seen in the CCTV footage as one of the main aggressors of the assault. The injury caused to the victim is grievous *albeit* it is on the right forearm and bottom part of the right leg.

7. Heard counsel for the applicant, learned APP for State and counsel for the complainant.

8. Insofar as the submission of the counsel for the complainant is concerned, till date there is no reference of any mobile phone or a chain in any status report filed either before the Trial Court or this Court and if investigation has not been carried out till date by the Police, applicant cannot be blamed for the same as he is not the one who is obstructing the investigation. Court has perused the bail orders granted to the co-accused. Co-accused Sanjay Sharma and Leelu Singh have been granted regular bail by the Sessions Court vide orders dated 26.12.2023 and 10.01.2024, respectively while the other co-accused are on anticipatory bail granted by the Sessions Court on 07.02.2024. *Prima facie*, save and except minor differences, more or less the roles ascribed to the co-accused are similar to the applicant herein.

9. Learned APP, on instructions, states that custodial interrogation of the applicant is not required. It is not the case of the State that the applicant has misused the interim protection and/or has not co-operated in the investigation or made any attempt to tamper with evidence or threaten the witnesses. Applicant has clean antecedents and is previously not involved in any criminal case.

10. In view of the aforesaid, interim order dated 29.02.2024 granting interim protection to the applicant against arrest is made absolute and it is



directed that in the event of arrest, applicant shall be released on bail, subject to his furnishing a personal bond in the sum of Rs.30,000/- with two sureties of the like amount to the satisfaction of the IO and further subject to the following conditions:-

- i. Applicant shall not leave the country without prior permission of the Trial Court;
- ii. He shall furnish his mobile number to the IO and keep the same active at all times and shall not change the mobile number without prior intimation to the IO and the Trial Court;
- iii. He shall appear before the Trial Court on every date of hearing;
- iv. He shall not, directly or indirectly, indulge in any illegal activity or extend any inducement, threat or promise to the complainant or any other person associated with the case; and
- v. He shall furnish his current residential address to the IO and intimate any change in the same to the IO and the Trial Court by way of an affidavit.

11. Application stands disposed of in the aforesaid terms, making it clear that this Court has not expressed any opinion on the merits of the case.

JYOTI SINGH, J

APRIL 22, 2024
B.S. Rohella/shivam