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

+ **BAIL APPLN. 918/2024**

VINOD KUMAR

..... Petitioner

Through: Mr.Sanjay Dahiya, Mr.Sanjay
Sharma, Dr.Sushil Kr.Sharma
& Mr.Deepak Gaur, Advs.

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr.Aman Usman, APP. along
with Insp. Naveen Kumar, PS
Samaypur Badli.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

22.03.2024

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1. This application has been filed by the Applicant under Sections 439 and 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.'), praying for the applicant to be released on Bail in FIR No.0420/2023 registered at Police Station: Samaipur Badli, Outer North District, Delhi under Sections 323/341/304/34 of the Indian Penal Code, 1860 (in short, 'IPC').

2. It is the case of the prosecution that the above FIR has been registered on the basis of the statement made by the injured- Sh.Vinay @ Vicky, wherein he stated that, on 30.04.2023 at about 8.15 PM, he had gone to a *gali* near House No. C-101, Yadav Nagar, Delhi for parking of his car, but the motorcycle of his neighbour- Sh.Atul was parked there. When he asked Sh.Atul to move the motorcycle, his uncle, namely, Sh.Vinod, that is the applicant herein, cousin,



Sh.Akshat @ Kaku, and a few others started quarrelling with him and started beating him with *danda/lathi*. When his father tried to intervene, they also quarrelled with him. Due to the scuffle, his father fell down and lost consciousness. He was rushed to Dr. BSA Hospital, Rohini, Delhi, where he was declared as 'brought dead'.

3. The learned counsel for the applicant submits that it was, in fact, the complainant, that is Sh.Vinay, who started the quarrel and took out the *danda/lathi* from his car. Upon seeing the altercation, the deceased came out of the house and tried to intervene. As the deceased was himself suffering from a heart ailment, as is reflected in his post-mortem examination report, which *inter alia* states that his heart was enlarged and about 90% to 95% blockage was present in his left coronary artery and its arterial branches at places, the deceased suffered a sudden heart attack and died. He submits that, in fact, the Complainant himself has criminal antecedents, while the applicant has no other criminal record. He further submits that the applicant has been in custody for about than 10 months now.

4. The learned APP hands over a copy of the Status Report. The same is taken on record.

5. He submits that the Complainant has sustained injuries which were, laceration (approx. 3 x 0.5 cm) over right ear and abrasion on arms and other places. He submits that the opinion regarding the cause of death is still awaited. He further submits that the CCTV footage also shows a scuffle taking place at the spot.

6. I have considered the submissions made by the learned counsels for the parties.



7. It is apparent from the above that there was a scuffle at the spot, however, who initiated and who was the main perpetrator of that, is yet to be determined in trial. From the post-mortem report, it is also evident that the deceased was suffering from major heart ailments. Even as per the complaint of the Complainant, he suddenly fell unconscious while trying to intervene in the scuffle. The applicant is stated to have no criminal antecedents and also the co-accused have already been released on bail vide order dated 29.01.2024 passed in Bail Appln. 3870/2023; and order dated 29.02.2024 passed in Bail Appln. 566/2024 by this Court.

8. Accordingly, it is directed that the Applicant be released on bail in FIR no. 0420/2023 registered at Police Station: Samaipur Badli, Outer North District, Delhi under Sections 323/341/304/34 of the IPC on furnishing a personal bond in the sum of Rs.25,000/- with one local surety of the like amount to the satisfaction of the learned Trial Court, and further subject to the following conditions:

- i. The Applicant will not leave the country without the prior permission of the learned Trial Court.
- ii. The Applicant shall provide his permanent address to the learned Trial Court. The Applicant shall also intimate the Court, by way of an affidavit, and to the IO regarding any change in his residential address.
- iii. The Applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- iv. The Applicant shall provide all/latest/fresh mobile numbers to the IO concerned, which shall be kept by the applicant in



a working condition at all times and shall not be switched off or changed by him without prior intimation to the learned Trial Court and the IO concerned. The mobile location be kept on at all times.

- v. The Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact, directly or indirectly, with any of the prosecution witnesses.

9. Needless to state, any observation touching upon the merits of the case is purely for the purposes of deciding the question of grant of Bail and shall not be construed as an expression on the merits of the matter.

10. The application is disposed of in the above terms.

11. Copy of this order be sent to the Jail Superintendent for information and necessary compliance.

12. Copy of this order be given *dasti* under the signatures of the Court Master.

NAVIN CHAWLA, J

MARCH 22, 2024/rv/RP

Click here to check corrigendum, if any