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

+ **BAIL APPLN. 1195/2023**

VIKAS@SUCHA

..... Petitioner

Through: Mr. Rajiv R. Mishra, Mr. Chandan
Thakur & Ms. Suruchi Yadav,
Advocates.

versus

GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Raghuvinder Verma, APP for the
State with SI Yagender Ahlawat, P.S.
Nangloi.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

05.01.2024

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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. 657/2022 under Sections 307/506/34 IPC registered at Police Station Nangloi.
2. The learned counsel for the petitioner submits that it is the case of the prosecution in the status report that the injuries suffered by the victims is simple in nature. He further submits that the victims were discharged from the hospital on the same day.
3. He further submits that no offence weapon was recovered from the petitioner or at his instance. He contends that the petitioner is in custody since 18.08.2022, the investigation is complete, the charge-sheet has been filed and the trial is underway, therefore, the custody of the petitioner is no more required.



4. He further submits that the petitioner has clean antecedents and he is not a flight risk. He, therefore, urges the Court to enlarge the petitioner on bail.

5. *Per contra*, the learned APP for the State has argued on the lines of the status report.

6. I have heard the learned counsel for the petitioner and the APP and perused the material on record.

7. On a query put by the Court, the learned APP on instructions from the IO, who is present in Court, fairly states that the injuries suffered by the victims were simple in nature, no recovery of weapon was effected at the instance of the present petitioner and the victims were discharged on the same day.

8. The petitioner is in custody for past more than 16 months, the investigation being complete, the custody of the petitioner is no more required.

9. It is also not in dispute that the petitioner has clean antecedents. It is also not the case of the prosecution in the status report that the petitioner is a flight risk or that he is likely to influence the witnesses in case he is enlarged on bail.

10. Considering the aforesaid facts and circumstances and the long period of incarceration, I am of the view that the petitioner is entitled to regular bail. Accordingly, the petitioner is enlarged on bail subject to his furnishing a Personal Bond in the sum of Rs. 25,000/- 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 not leave the Delhi without prior permission of the



Court.

- b) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
 - c) 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.
 - d) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.
11. 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.
12. The petition is disposed of.
13. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance.
14. Order *dasti* under signatures of the Court Master.

VIKAS MAHAJAN, J

JANUARY 5, 2024/MR