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

+ **BAIL APPLN. 1231/2024**

DEEPANKER

.....Petitioner

Through: **Ms. Rani Drall and Ms. Aditi Singh,**
Advocates.

Versus

THE STATE OF NCT DELHI

.....Respondent

Through: **Mr. Aashneet Singh, APP for the**
State.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

11.12.2024

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1. This is a petition seeking grant of bail in FIR no. 286/2020 dated 03.10.2020 under Section 308/34 of IPC registered at PS Anand Prabhat. Subsequently, since the victim passed away, the FIR was converted and registered under Section 302/34.
2. The allegation against the Petitioner is that the Petitioner, alongwith the other co-accused, physically assaulted the deceased. It is alleged that the Petitioner caught hold of deceased and hit him mercilessly with fist and kicks. Subsequently, the deceased passed away. The date of incidence is 03.10.2020 and the deceased passed away two months later on 23.12.2020 on account of Septicemia.
3. I have heard the learned counsel for the parties.
4. In the present case, all the material witnesses have already been



examined.

5. The Petitioner has already spent three years and five months and twenty seven days under incarceration.

6. The Petitioner has no other criminal antecedents except the present FIR. Further, the petitioner is the sole bread earner to take care of his widow mother.

7. The earlier bail application filed by the Petitioner was dismissed by this Court on 29.11.2023 on the ground that the SI was yet to be examined. The said SI has already been examined and only the formal witnesses are required to be examined.

8. I am of the view that, *prima-facie*, the passing away of the deceased is not a direct-result of the petitioner's actions.

9. For the said reasons, I am inclined to allow the application. The Petitioner is granted bail on the following terms and conditions:

- (a) The applicant shall furnish a personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand Only) with one surety of the like amount to the satisfaction of the concerned Trial Court;
- (b) The applicant shall provide his mobile number to the concerned IO, which shall be kept in working condition and switched on at all times. In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned IO as well as to the concerned Court;
- (c) The applicant shall report to the local Police Station on the first Monday of every month;
- (d) The applicant shall not leave the country without permission of the concerned Court during the bail period and surrender his



passport, if any, at the time of release before the concerned Court;

- (e) The applicant shall not directly/indirectly try to get in touch with any prosecution witnesses or tamper with the evidence;
- (f) The applicant shall not indulge in any act or omission that is unlawful, illegal.

10. Nothing stated hereinabove shall tantamount to an expression of opinion on the merits of the case.

11. The petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

DECEMBER 11, 2024/ab

Click here to check corrigendum, if any