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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 1317/2024

PRANSHU TYAGI @ NONU

.....Applicant

Through: Ms. Prachi Vashisht & Mr.
Manish Sanwan, Advs.

versus

STATE

.....Respondent

Through: Mr. Sunil Kumar Gautam,
APP for the State.
SI Narender, PS
Vikaspuri.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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13.09.2024

1. The present application is filed seeking pre arrest bail in FIR No. 128/2024 dated 12.03.2024, registered at Police Station Vikaspuri for offences under Sections 323/341/354/506/34 of the Indian Penal Code, 1860 (IPC).

2. This Court has perused the CCTV footage. The incident, at this stage, appears to have happened at the heat of the moment which led to certain injuries to the complainant.

3. It is undisputed that the injuries are simple in nature. Pursuant to the order passed by this Court, the applicant has joined the investigation. The allegation that certain names have not been disclosed by the applicant cannot be treated as non-cooperation. It is trite law that merely because an accused person does not confess to the allegations levelled against him and make self-incriminating statements, cannot be said to be non cooperation with the investigation [Ref. ***Bijender v. State of Haryana : Special Leave to Appeal (Crl.)No. 1079/2024***, decided on 06.03.2024].

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4. During the commotion, the complainant also appeared to have been pushed. The same is alleged to be an offence under Section 354 of the IPC. The charges are yet to be framed. This Court does not consider it apposite to comment on that aspect at this stage. However, it is apparent that the complainant and her husband got injured during the commotion, which appears to have happened at the heat of the moment.

5. In view of the above, the present application is allowed and the applicant on being arrested, is directed to be released on bail on furnishing a bail bond for a sum of ₹25,000/- with two sureties of the like amount subject to the satisfaction of the concerned SHO, on the following conditions:

- a. The applicant shall join and cooperate with the investigation as and when directed by the IO;
- b. The applicant shall not leave the country without taking permission of the learned Trial Court;
- c. The applicant shall not contact the complainant / witnesses or tamper with the evidence in any manner;
- d. The applicant shall give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;
- e. The applicant shall provide the address of his residence to the IO/SHO and shall not change the same without informing the concerned IO/SHO.

6. In the event of there being any violation of the stipulated conditions, it would be open to the State to seek redressal by filing an application seeking cancellation of the bail.

7. It is clarified that the observations made in the present order are for the purpose of deciding the present pre-arrest bail

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application, and should not influence the outcome of the Trial and should not be taken, as an expression of opinion, on the merits of the case.

8. The bail application is allowed in the aforesaid terms.

AMIT MAHAJAN, J

SEPTEMBER 13, 2024

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