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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 1334/2024 and CRL.M.A. 18841/2024

AZAM

.....Petitioner

Through: Mr.Md. Muddassir, Advocate

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr.Shoaib Haider, APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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22.10.2024

1. By way of present application, the petitioner/applicant seeks anticipatory bail in FIR No.46/2024 registered under Section 506 IPC & Section 25 Arms Act at P.S. Vasant Vihar, Delhi.
2. Learned counsel for the applicant submits that the only material cited against the applicant is the disclosure statement of the co-accused namely, *Saif Ali Khan*. He submits that as per the prosecution case, the complainant has alleged that he discovered a red colored bag containing a box of sweets alongwith two live cartridges and a handwritten letter threatening him to resolve the disputes with the main accused, namely, *Rajesh Gogna*.
3. Learned APP for the State has opposed the bail application. He contends that besides dropping the aforesaid letter, the applicant has also made a threat call from the mobile phone of one *Maya Ram @ Chhotu*, who in the statement recorded under Section 161 Cr.P.C., has affirmed that his mobile phone was used by the present applicant to make the said call.



4. On a query, learned APP for the State, on instructions, submits that besides the disclosure statement of the co-accused, there is no other material as of now to connect the dropping of the bag by the present applicant in front of the house of the complainant. He, on instructions, further submits that the applicant is involved in about 18 other cases and is the B.C. of the area, P.S. Fatehpur Beri.

5. At this stage, learned counsel for the applicant submits that most of the cases pertain to the year 2014 and the applicant has either been acquitted or has been released on bail.

6. I have heard learned counsel for the applicant as well as learned APP for the State and have also gone through the material placed on record. From the above, it is apparent that the only material against the applicant is the disclosure statement of the co-accused. Concededly, there is no transcript on record. During the course of the proceedings, it is also informed that the co-accused *Rajesh Gogna* has already been admitted to anticipatory bail vide order dated 28.08.2024 passed by the Supreme Court in Special Leave to Appeal (Crl.) No(s). 6930/2024.

7. Keeping in view the aforesaid facts and circumstances, without commenting further on the merits of the case, it is directed that in the event of arrest, the applicant be released on bail subject to his furnishing a personal bond in the sum of ₹25,000/- with one surety of like amount to the satisfaction of the Arresting Officer/Investigating Officer/SHO of the concerned Police Station and also subject to the following further conditions:-



- (i) At the time of furnishing bail bond, the applicant shall provide the mobile number, which he undertakes to keep operational at all times during the pendency of the trial.
- (ii) The applicant shall join the investigation as and when asked for.
- (iii) The applicant shall inform the concerned Investigating Officer about his current residential address.
- (iv) In case of change of residential addresses/contact details, the applicant shall promptly inform the same to the concerned Investigating Officer/SHO.
- (v) The applicant shall not directly or indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
- (vi) The applicant shall regularly appear before the trial Court.

8. The application is disposed of in the above terms alongwith the pending application.

9. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

MANOJ KUMAR OHRI, J

OCTOBER 22, 2024

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