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

+ **BAIL APPLN. 1419/2024**

JAI KUMAR@ KAKU

..... Petitioner

Through: Mr. Gautam Khazanchi and
Ms. Suruchi Jaiswal, Advs.
(DHCLSC).

Versus

STATE GOVT OF NCT DELHI

..... Respondent

Through: Mr. Raghuvinder Verma, APP for
State with SI Ranbir Kumar, PS.
Lajpat Nagar.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

17.05.2024

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1. The present application has been filed under Section 439 CrPC read with Section 482 CrPC seeking regular bail in connection with FIR No.228/2022 under Sections 307/452/34 IPC registered at Police Station Lajpat Nagar.
2. The allegations against the present petitioner are that he instigated the co-accused Akash Gupta and thereafter the said co-accused stabbed the complainant and his brother with a knife.
3. The learned counsel for the petitioner submits that the co-accused Akash Gupta to whom the stab injury has been attributed has already been enlarged on bail by the Court of Additional Sessions Judge-02, South East, Saket Courts, Delhi *vide* order dated 08.08.2023. A copy of the said order



has been handed over in the Court, the same is taken on record.

4. The Status Report has also been handed over in the Court, the same is taken on record.

5. On a query posed by the Court, the learned APP, on instructions from the I.O affirms the fact that the co-accused Aakash Gupta has been granted bail. It is also not in dispute that the stab injury has been attributed to the co-accused Aakash Gupta.

6. The antecedents of the petitioner are clean and it is not the case of the prosecution that he is a flight risk. The custody of the petitioner is no more required for any purpose.

7. Considering the aforesaid circumstances in entirety, this Court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is enlarged on bail subject to his furnishing a Personal Bond in the sum of Rs. 10,000/- 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.



8. The petition stands disposed of.
9. 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.
10. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.
11. Order *dasti* under signatures of the Court Master.
12. Order be uploaded on the website of this Court.

MAY 17, 2024/dss

VIKAS MAHAJAN, J