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

+ **BAIL APPLN. 1575/2024**

RAJKUMAR @ BHOORI

.....Petitioner

Through: Mr. V.K. Mishra, Ms. Dipti Mishra &
Ms. Richa Bais, Advocates.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Hemant Mehla, APP with Ms.
Mridul Sharma, Advocate for State.
S.I. Paramjeet, PS Ranhola, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

07.08.2024

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1. The present Petition under Section 439 of the Code of Criminal Procedure, 1973 has been filed on behalf of the petitioner seeking regular bail in the FIR No. 709/2020 dated 11.07.2020 registered under Sections 302/201/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Ranhola, Delhi.
2. It is submitted in the petition that the petitioner is a co-accused in the aforesaid FIR who was not named in the FIR, but subsequently, he was arrested after seven days and has been in judicial custody from 18.07.2020.
3. According to the prosecution story, on 11.07.2020 at around 12 Noon, a boy named Shoeb reached to the house of Shubham. Shoeb informed the mother of Shubham that Saif Ali is calling Shubham. Saif Ali was standing at some distance from house of informant i.e., Deepmala, sister of Shubham.



On reaching near Saif Ali, Shubham was stabbed by him. When the informant rushed towards the aforesaid boys who had caught hold of Shubham all of them fled away from the scene. Also, Shubham rushed to the house, but he was again chased by Saif Ali and stabbed by the knife in stomach of Shubham. The informant, Deepmala tried to hit Saif Ali by a brick, but he caught hold of her hand and gave a push to her and fled away from the scene. Consequently, the FIR No. 709/2020 dated 11.07.2020 registered under Sections 302/201/34 of the IPC, 1860 at Police Station Ranhola, Delhi.

4. It is submitted that the Chargesheet has been filed on 06.10.2020 and the Supplementary Chargesheet has also been filed on 16.11.2022.

5. The testimony of PW1/Deepmala (informant), sister of Shubham, PW2/Ravinder, PW3/Savita and PW4/Bhagmal Singh, who are the material witnesses, has been recorded.

6. It is submitted that the testimony of 19 prosecution witnesses in all have already been recorded. It is further submitted that there are 34 witnesses out of which, only 19 witnesses have been examined. The accused-petitioner is in judicial custody for the last four years.

7. The first regular bail application filed on behalf of the petitioner before the Trial Court has been dismissed *vide* Order dated 17.08.2023 passed by the learned District and Sessions Judge, Tis Hazari, Delhi.

8. However, the petitioner was admitted to interim bail for a period from 16.02.2024 to 20.02.2024 *vide* Order dated 08.02.2024 passed by the learned Trial Court, and the same had not been misused by the petitioner.

9. The present bail petition is the third bail petition of the petitioner seeking regular bail and the petitioner is willing to abide by any terms and



conditions that may be imposed upon him by this Court.

10. Therefore, it is submitted that the petitioner may be granted regular bail.

11. **A copy of the Status Report has been handed over today in the Court by the learned Additional Public Prosecutor for the State** *vide* which the present bail petition has been opposed on the grounds that the offence involved in the present FIR is heinous in nature; if the petitioner is released on bail, he may threat the witnesses or may jump the bail.

12. It is also submitted that the witnesses have supported the case of the prosecution and have correctly identified the accused-petitioner during the trial.

13. Therefore, it is submitted that keeping in view the seriousness of the case, the present bail petition of the petitioner seeking regular bail be dismissed.

14. **Submissions heard.**

15. Essentially, the role assigned to the petitioner is that he was one of the boys who were holding deceased-Shubham at the time when Saif Ali was stabbing the deceased.

16. Admittedly, the petitioner was not named initially in the FIR and on being identified, he was arrested after seven days and from 18.07.2020, he has been in the judicial custody.

17. Moreover, the material witnesses have already been examined. Also, the petitioner is in judicial custody for the last four years.

18. Considering the totality of the circumstances and his role, the present petition is allowed and the petitioner is admitted to regular bail in FIR No. 709/2020 dated 11.07.2020 registered under Sections 302/201/34 of the IPC,



1860 at Police Station Ranhola, Delhi, upon his furnishing a personal bond in the sum of Rs. 25,000/- and one surety of the like amount to the satisfaction of the learned Trial Court, and further subject to the following conditions: -

- a) Petitioner shall not leave Delhi/NCR 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 his mobile number and also the mobile number of his wife/surety to the IO concerned, both of which shall be kept in working condition at all times and he shall not change the mobile numbers without prior intimation to the Investigating Officer concerned;
- d) Petitioner shall inform the IO and the Jail Superintendent the address where he shall be available in Delhi.
- e) Petitioner shall remain 100 meters away from the complainant,
- f) Petitioner shall not leave the country without prior permission of the learned Trial Court and shall surrender his passport, if any, before the learned Trial Court,
- g) Petitioner shall not try to contact, threaten or influence any of the witnesses of this case,
- h) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.

19. The Registry is directed to take the Status Report dated 06.08.2024 handed over today in the Court by the learned Additional Public Prosecutor on record.



20. The Registry is further directed to communicate this Order to the learned Trial Court and as well as to the concerned Jail Superintendent.

21. Accordingly, the present petition is disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 7, 2024
S.Sharma