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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1682/2024**
VINIT DUTT JOSHI Applicant
Through: Mr.Raj Kumar, Adv.

versus

STATE NCT OF DELHI & ANR. Respondents
Through: Mr.Aman Usman, APP with SI
Shivom
Complainant in person.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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13.05.2024

CRL.M.A. 14617/2024 (Exemption)

1. Allowed, subject to all just exceptions.

BAIL APPLN. 1682/2024

2. This application has been filed under Section 438 read with Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') praying for grant of anticipatory bail in FIR No. 0106/2024 registered at Police Station: Madhu Vihar, Delhi under Sections 341/308/506/34 of the Indian Penal Code, 1860 (in short, 'IPC').

3. The learned counsel for the applicant submits that the parties are neighbours and the scuffle between them had occurred on a minor issue on the occasion of the Holi festival. He further submits that they have now amicably settled their disputes.

4. The learned APP opposes this application by contending that the applicant has been declared a '*Bad Character*' of the area. The



applicant has four criminal cases pending against him, including of heinous crime. He submits that there might be a possibility that pressure is being put on the Complainant to withdraw his complaint.

5. I have interacted with the Complainant, who is present in person. He submits that he had suffered simple injuries in the scuffle, which took place on a minor issue. He submits that he has no objection on the grant of anticipatory bail to the applicant.

6. The learned counsel for the applicant submits that the applicant has not been involved in any criminal case for the last three years.

7. I have considered the submissions made by the counsels for the parties.

8. In my view, the court is only concerned with the facts of the case for which the Complainant seeks anticipatory bail. The past criminal antecedents of the applicant in the facts of the present case, particularly when the complainant has suffered only simple injury and is not wanting to pursue his complaint, may not be too relevant.

9. Accordingly, it is directed that in the event of arrest in the above FIR, the applicant shall be released on bail subject to furnishing a personal bond in the sum of Rs.20,000/- with one local surety of the like amount to the satisfaction of the IO/Arresting Officer/ SHO concerned, and further subject to the following conditions:

- (i) that the Applicant shall join investigation as and when called by the IO concerned;
- (ii) that the Applicant shall not leave NCT of Delhi without intimating the IO/SHO;
- (iii) that the Applicant shall not, directly or indirectly, try to



contact/influence the complainant/victim or any other witness(s) or tamper with evidence of the case;

(iv) that the Applicant shall furnish his mobile phone/landline number, which shall be kept in working condition at all times and shall not be switched off; he shall not change the mobile number without prior intimation to the IO concerned;

(v) that the Applicant shall provide his residential address to the IO/SHO concerned, and in the event of any change of the same, will immediately inform the same to the IO/SHO;

(vi) that the Applicant shall not indulge in any criminal activity; and,

(vii) In case the Applicant is found involved in another case, it will be open to the prosecution to file an appropriate application seeking cancellation of his Anticipatory Bail in the present case as well.

10. Needless to state, any observation touching upon the merits of the case is purely for the purposes of deciding the question of grant of Anticipatory Bail and shall not be construed as an expression on the merits of the matter.

11. The Application is disposed of in the above terms.

NAVIN CHAWLA, J

MAY 13, 2024/ns/am

Click here to check corrigendum, if any