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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1729/2024**
SUMIT

.....Petitioner
Through: Mr. Manmohan Sharma, Advocate.

versus

STATE GOVT. OF NCT DELHI

.....Respondent
Through: Ms. Richa Dhawan, Ld. APP for
State.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
13.08.2024

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1. A Petition under Section 439 Cr.P.C read with Section 482 Cr.P.C has been filed on behalf of the petitioner for grant of regular bail in case FIR No.1212/2022 under Section 302/34 IPC and 25/54/59 Arms Act registered at Police Station Mangol Puri.
2. It is submitted that the accused was not named in the FIR, but his name was included on the basis of the statements of the public witnesses. He is in Judicial Custody since 30.11.2022. The Chargesheet has been filed and all the material public witnesses have been recorded, but all have turned hostile viz-a-viz the petitioner. It is further submitted that the role of the petitioner was allegedly passive and in no way did he participate in the commission of the offence. Hence, a prayer is made that the regular bail be granted.



3. In the Status Report, it has been submitted that during the course of the investigations the statements of eye witnesses namely Sachin @ Alok, Harsh @ Peeharsh and Aman @ Kala were recorded and they had named the accused as one of the persons who along with the other accused persons, had attacked the deceased and participated in the commission of offence which resulted in the death of the victim. It is further submitted that both the parties are residing in the same locality and the possibility of commission of crime in future is high. Also, the safety of the applicant is in danger. The bail is, therefore, strongly opposed.

4. **Submissions heard.**

5. The accused is in Judicial Custody since 30.11.2022. The three material witnesses have been examined who have not supported the prosecution case in regard to the role of the petitioner, who had not been named in the FIR.

6. Considering the circumstances, the petitioner is admitted to bail on the following conditions:-

- a) The petitioner/accused shall furnish a personal bond of Rs.25,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.
- b) The petitioner/accused shall appear before the Court as and when the matter is taken up for hearing.
- c) The petitioner/accused 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 intimate to the Investigating Officer concerned.
- d) The petitioner/accused shall not indulge in any criminal activity



and shall not communicate with or come in contact with the witnesses.

e) The petitioner/accused shall not leave the country, without permission of this Court.

f) The petitioner/accused shall not change his residential address and in case of change of the residential address, the same shall be intimated to this Court, by way of affidavit.

g) The petitioner/accused shall not threaten the witnesses and shall join the trial and not tamper with the evidence.

7. The petition is accordingly disposed of.

8. A copy of this Order be communicated to the Jail Superintendent and the learned Trial Court.

NEENA BANSAL KRISHNA, J

AUGUST 13, 2024/va