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

+ **BAIL APPLN. 1819/2024**

MINTU GIRI

.....Petitioner

Through: Mr. Yashvir Kumar, Advocate

versus

THE STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP for State with
SI Ravi Shankar

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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15.07.2024

1. By way of present application, the petitioner/applicant seeks regular bail in FIR No.293/2018 registered under Sections 394/389/511/34 IPC at P.S. Patel Nagar, Delhi.
2. Learned counsel for the applicant submits that the applicant has been in custody since 21.09.2022 and that all the material witnesses have been examined and they have not identified the applicant to be the one who was present at the spot. He submits that the applicant was implicated only on the basis of the disclosure statement of the co-accused and that there is no material against the applicant. It is further submitted that all the co-accused persons have already been released on bail.
3. Learned APP for the State, on the other hand, has opposed the bail application. He submits that the role of the applicant came to the fore when the applicant came to be arrested in FIR No.525/2019 registered under



Sections 392/394/397/365/413/411/120B/34 I.P.C. at P.S. Dwarka South, whereafter the applicant was arrested in the present case on 21.09.2022. He submits that after the arrest, supplementary challan came to be filed against the applicant. He, on instructions, submits that the applicant is a habitual offender inasmuch there are two other involvements of similar nature, one of which is FIR No.22/2009 registered under Sections 395/397/412/120-B IPC at P.S. Shalimar Bagh in which he has been convicted and sentenced. He, on instructions, fairly submits that in the present case, none of the eyewitnesses have stated about the applicant's role or identified him. The status report has been handed over, which is taken on record.

4. At this stage, learned counsel for the applicant submits that while in FIR No.22/2009, the applicant has already undergone the sentence, in FIR No.525/2019, he has been enlarged on bail.

5. The nominal roll of the applicant is already on record. As per the nominal roll, he has undergone incarceration of about 2 years 6 months and 28 days as on 01.07.2024.

6. Keeping in view the aforesaid facts and circumstances including the fact that 13 witnesses remain to be examined and that no eyewitness has identified the applicant and the further fact that co-accused persons have already been released on regular bail, it is directed that the applicant be released on regular bail subject to his furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/ concerned Court/Duty M.M. and subject to the following further conditions:-

- i) The applicant shall not leave the NCR without prior permission of the concerned Court.



ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.

iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.

iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.

v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.

7. The bail application is disposed of in the above terms.

8. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.

9. Copy of the order be uploaded on the website forthwith.

10. 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

JULY 15, 2024

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