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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1820/2024 & CRL.M.A. 15852/2024**

**BIJENDER ALIAS VIRENDER
KUMAR YADAV**

.....Applicant

Through: Mr. Bharat Sharma, Mr.
Ravi Kishore & Mr.
Gaurav Basin, Mr. Ranbir
Singh Kundu, Mr. G.P.S.
Diwakar & Mr. Mukesh,
Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Ajay Vikram Singh,
APP for the State.
SI Nandkishor Patil with
Inspector Mukesh Balyan
(P.S. Kalyanpuri).

**CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN**

ORDER
07.08.2024

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1. The present application is filed seeking pre-arrest bail in FIR No. 215/2024, dated 22.03.2024, registered at Police Station Kalyanpuri, for offences under Sections 307/34 of the Indian Penal Code, 1860.
2. The FIR was registered by the complainant, alleging that the applicant and other co-accused persons had attacked the complainant by hitting him on his head with a knife. It is alleged that the applicant also threatened to kill the complainant. The incident was also allegedly captured in a CCTV.
3. It is not disputed that all the accused persons except the

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applicant and the co-accused Jitender have been granted bail. The order granting bail to the other co-accused persons has not been challenged by the prosecution or by the complainant. Looking at the allegation, the role assigned to each of the accused person is similar.

4. As pointed out by the learned counsel for the applicant, the applicant is even otherwise not visible in the CCTV footage whereas the other accused persons were visible in the CCTV footage of the incident. Once the co-accused persons have been admitted on bail, in the opinion of this Court, the custodial interrogation of the applicant is not required. The applicant is entitled for grant of bail on the ground of parity. Only because the applicant has not spent some time in custody would not mean that the ground of parity would not be available to the applicant.

5. It cannot be denied that the purpose of custodial interrogation is the furtherance of investigation.

6. All the accused persons are stated to be related to each other. It is the case of the applicant that they have been falsely implicated due to other disputes between the parties and not only the male members but also the ladies of the families have been made accused in the present case. The applicant has clean antecedents.

7. The learned counsel for the complainant submits that apart from the CCTV footage, there are independent witnesses also who have identified the applicant to be present at the time of the incident, and allege that the applicant had inflicted injury on the complainant.

8. He further submits that the complainant received serious injuries and was admitted in hospital for a period of twenty-two days.



9. The learned counsel for the applicant has also taken the Court through a number of FIRs, which are registered at the instance of the applicant and his family members against the complainant which points towards the pending disputes between the parties. The applicant not being visible in the CCTV footage casts a doubt on the prosecution's story, and the benefit of the same has to be given to the applicant at this stage.

10. It is not disputed that the applicant is a resident of Delhi. Even otherwise, any apprehension regarding the applicant fleeing from justice, tampering with the evidence or not cooperating with the investigation can be taken care of by putting appropriate conditions.

11. In view of the above, this Court is of the opinion that the custodial interrogation of the applicant is not required. It is directed that in the event of arrest, the applicant be released on bail on furnishing a personal bond of ₹50,000/- with two sureties of the like amount, subject to the satisfaction of the concerned SHO, on the following conditions:

12. The applicant shall join and cooperate with the investigation as and when directed by the IO;

13. The applicant will not leave the boundaries of Delhi without informing the IO/ SHO concerned;

14. The applicant shall not contact the complainant / witnesses or tamper with the evidence in any manner;

15. The applicant shall give his mobile number to the concerned IO/SHO and shall keep the mobile phone switched on at all times;

16. The applicant shall provide the address of his residence to the IO/SHO and shall not change the same without informing the concerned IO/SHO.

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17. In the event of there being any violation of the stipulated conditions, it would be open to the State to seek redressal by filing an application seeking cancellation of the bail.

18. The present application is allowed in the aforesaid terms.

AMIT MAHAJAN, J

AUGUST 7, 2024

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