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

+ **BAIL APPLN. 1868/2024**

ABDULLA

..... Petitioner

Through: Mr. Kirti Uppal, Sr. Adv. with Mr. Aaditya Raj, Mr. Sushil Kumar Singh, Mr. Farhad, Mr. Himanshu, Mr.G.S. Mohanti and Mr. Salman, Advs.

versus

GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Ritesh Kumar Bahri, APP for State with Mr. Lalit Luthra, Adv. with SI Sanjeev Singh PS Ghazipur
Mr. Kartik Venu, Adv. for complainant

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

28.05.2024

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1. The present petition has been filed under Section 439 CrPC seeking regular bail in connection with FIR No.0134/2024 under Sections 307/34 IPC registered at Police Station Ghazipur, Delhi.
2. The case of the prosecution is that the FIR was registered at the instance of a complaint made by one Faizane who stated that his brother Riham and his father Anees runs a shop in the buffalo market. They buy buffalo from Ghazipur and get it slaughtered from Slaughter house. On 10.04.2024 at around 01:30 A.M. in the night, the complainant's brother and father were present in the slaughterhouse to get the meat slaughtered, where



Sameer, Abdullah (petitioner) and Asif were also present. An argument took place, which escalated to a fight between the complainant and his family members on one side and Sameer, Abdullah (petitioner) and Asif on the other side. During that time the complainant was caught by Sameer, Abdullah (petitioner) and Asif, while Intezar attacked the victim (Rihan) with a meat cutting knife and inflicted injuries on his stomach as well as on his thigh.

3. The learned senior counsel for the petitioner submits that the petitioner is a senior citizen aged about 63 years. He submits that the injury to the victim has been attributed to the petitioner's son Intezar and there is no allegation that the present petitioner has inflicted any injury to the victim.

4. He has handed over a photograph (taken on record) of the reception area of the hospital where the injured was initially taken, to contend that the petitioner is visible in the said photograph which shows that in fact it was the petitioner who had taken the injured to the hospital.

5. He submits that the petitioner is in custody since 10.04.2024 and no recovery is required to be made from him. Further, the petitioner has clean antecedents and he is not a flight risk. He, therefore, urges the Court to enlarge the petitioner on bail.

6. *Per contra*, the learned APP has argued on the lines of the Status Report, a copy of which has been handed over in Court and the same is taken on record. He submits that the presence of the petitioner at the place of occurrence is established on the basis of the CCTV footage. He submits that though the petitioner is seen in the photograph of the hospital reception area where the injured was initially taken to, but no MLC was prepared at the said hospital.

7. The bail is also opposed by the learned counsel for the complainant. He



disputes petitioner's presence in the aforesaid hospital. He submits that the injury is not relevant for the purpose of the offence under Section 307 IPC in as much as it is the intent which assumes relevance for the said offence.

8. I have heard the learned senior counsel for the petitioner, learned APP for the State as well as the learned counsel for the complainant and have perused the record.

9. It is the case of the prosecution that the injuries in the present case were inflicted only by Intezar and not by the present petitioner. The role attributed to the petitioner is that he alongwith other co-accused had caught hold of the victim. However, it is the petitioner who had taken the victim to the hospital at the first instance, which position is not disputed by the learned APP for the State on instructions from the IO who is present in Court.

10. It is also a matter of record that the petitioner is a senior citizen aged about 63 years. Further, the petitioner is in custody since 10.04.2024 and he is no more required for his custodial interrogation or for effecting any recovery.

11. It is also not the case of the prosecution that the petitioner has criminal record. The petitioner has a family and business in Delhi, therefore, he does not seem to be a flight risk.

12. Considering the aforesaid circumstances, this Court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is enlarged on bail subject to his furnishing a Personal Bond in the sum of Rs. 25,000/- and one Surety Bond of the like amount to the satisfaction of the Trial Court/CMM/Duty Magistrate, further subject to the following conditions:-

a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.



b) Petitioner 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 intimation to the Investigating Officer concerned.

c) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.

13. The petition stands disposed of.

14. It is clarified that the observations made herein above are only for the limited purpose of deciding the present bail application and the same shall not be construed as an expression of opinion on the merits of the case.

15. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.

16. Order *dasti* under signatures of the Court Master.

17. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

MAY 28, 2024

N.S. ASWAL