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

+ **BAIL APPLN. 1909/2024**

FARDEEN CHAUHAN

.....Petitioner

Through: Mr. Kirti Uppal, Sr. Adv. with Mr. Shrey Sharawat, Mr. Shekhar Kumar and Mr. Aditya Raj, Advs.

versus

STATE OF NCT OF DELHI, THROUGH SHORespondent

Through: Mr. Pradeep Gahalot, APP for the State with Adv. Hanumanth Sakhuja Adv. Sunny Sharma Adv. Anubhav Jain Adv. Nayan Saini Adv. Shubham Kumar Adv. Dhruv Goyal Adv. Shristhi Setia Adv. Savi Abbot Adv. Deepankar Kataria with Insp. Arvind Kumar, PS South East Distt.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

05.08.2024

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1. This petition has been filed seeking regular bail in 126/2022 PS Pul Prahladpur under Sections 384/452/506/147/149/323/34 IPC. The FIR was registered on the basis of a complaint of one Sandeep Sharma, who is a contractor of work related to construction and Mining at Okhla Landfill area since October 2021. He alleged that since he had taken the contract, one Lavish Tanwar called him to extort money on behalf of one Vijayant Bidhuri @ Chhutki and Himanshu Bidhuri. They demanded Rs.1,000/- per truck and threatened that if money is not paid, they will stop his work.



2. The date of incidence as 14th February, 2022 where Lavish and some associates reached on vehicles and started beating the machine operator of the complainant and the truck driver. Complaint was given on 23rd February, 2022.

3. Subsequently, the other accused *Lavish Tanwar, Pradeep Lohia, Tapish Bidhuri, Rajpal Paswal and Vijayant Bidhuri @ Chhutki* obtained anticipatory bail from the Sessions Court. *Himanshu Bidhuri* was kept in column 12 in the charge-sheet. Charge-sheet has been filed on 12th June, 2024.

4. Counsel for the petitioner states that the petitioner was not named in the FIR and also relies upon decision given by the Trial Court, in that Section 452 IPC would not be made out considering the premises was not a house but open piece of land, and Section 384 IPC will not be sustainable since no money exchanged hands.

5. In these facts and circumstances and post perusal of documents on record and considering the other co-accused have been granted anticipatory bail, including those who were the main accused, the petition is allowed.

6. In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the petitioner behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioner. Consequently, the petitioner is directed to be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioner will not leave the country without prior permission of the Court.



- ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- iv. Petitioner shall join investigation as and when called by the IO concerned.
- v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.
- vi. Petitioner will mark presence physically/virtually before the concerned I.O. every first and third Saturday at 4 p.m., and will be not kept waiting for more than an hour.
- vii. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.

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

7. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

8. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.



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

ANISH DAYAL, J

AUGUST 5, 2024/MK