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

+ **BAIL APPLN. 1940/2024**

SURAJ YADAV

..... Petitioner

Through: Mr.Raja Panda, Mr.Nitish Bharti,
Ms.Amrita Sahu & Mr.Vipin Kumar Pal,
Advocates

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Laksh Khanna, APP for State with
SI Ashish Kumar

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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30.05.2024

CRL.M.A. 17175/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

BAIL APPLN. 1940/2024

1. By way of present application filed under Section 439 Cr.P.C, the petitioner/applicant seeks regular bail in FIR No.112/2023 registered under Sections 308/394/397/411/34 IPC at P.S. Okhla Industrial Area, New Delhi.
2. Learned counsel for the applicant/petitioner submits that the applicant is in custody since 22.02.2023 and submits that though the FIR was registered under the Sections 307/394/397/34 IPC but the charges have been framed only under Sections 394/308 read with Section 397 IPC. It is further



stated that the complainant has already been examined and the co-accused has also been released on bail. It is further informed that the prosecution has cited 13 witnesses out of which only 4 witnesses have been examined till date.

3. Learned APP for the State, on the other hand, has opposed the bail application. He, while referring to the status report filed before the Sessions Court, a copy of which has also been placed on record, submits that the role attributed to the present applicant is different from the co-accused inasmuch as it is the present applicant who has caused grievous injuries to the complainant. He further submits that the knife and the stolen phone were also recovered at his instance. He, on instructions, further submits that the present applicant is also involved in another case bearing FIR No.368/2023 registered under Section 379 IPC at P.S. Okhla Industrial Area, New Delhi.

4. At this stage, learned counsel for the applicant submits that the applicant is already on bail in the aforesaid case.

5. The evidentiary value of the testimony of complainant shall be appreciated during trial. In view of the facts and circumstances of the case and considering that the complainant has already been examined and the trial is likely to take some time, it is directed that the applicant be released on regular bail subject to his furnishing a personal bond in the sum of Rs.25,000/- 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.

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

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

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

9. 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

MAY 30, 2024

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