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

+ **BAIL APPLN. 2108/2024**

MOHD SALMAN

.....Petitioner

Through: Ms. Vandana Dhoundiyal, Adv.

versus

THE STATE (GNCT OF DELHI)

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP
with SI Ramakant, PS: Kotwali.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

05.07.2024

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1. An application under Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of regular bail in FIR No. 0812/2023, under Sections 324/341/34 IPC, registered at PS: Kotwali. Section 308 IPC is stated to have been subsequently invoked.
2. In brief, as per the case of prosecution, complainant / injured Mohd. Tosif alleged that on 16.09.2023 at about 11 PM, there was a heated argument between his brother Mohd. Ameen and Mohd. Faizan @ Sameer, since he had instructed the barber to not to shave anyone. During night at about 12:15-12:30 AM, while he was walking on the street, he was assaulted by Mohd. Faizan @ Sameer along with Mohd. Salman with a sharp object.
3. Learned counsel for the petitioner submits that injured has since been discharged from the hospital and had suffered only simple injuries. She further submits that applicant is in custody since 05.05.2024.
4. On the other hand application is opposed by learned APP for State on the ground that petitioner has past criminal involvement and had surrendered



only after proceedings under Sections 82/83 Cr.P.C. were initiated against him.

5. Admittedly, the injured who had suffered simple injury, has been discharged from the hospital and petitioner is no longer required for the purpose of investigation, since the chargesheet has already been filed.

Considering the totality of the facts and circumstances, petitioner is admitted to bail on furnishing a personal bond in the sum of Rs. 20,000/- (Rupees Twenty Thousand only) with one surety in the like amount to the satisfaction of the learned Trial Court and subject to following conditions:

- (i) Petitioner shall not influence the witnesses in any manner;
- (ii) Petitioner shall provide his mobile number to the Investigating Officer (IO) / SHO concerned at the time of release;
- (iii) In case of change of address, petitioner shall intimate/communicate his fresh address to the IO / SHO concerned.

Application is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to the learned Trial Court and Superintendent Jail for information and compliance.

ANOOP KUMAR MENDIRATTA, J.

JULY 05, 2024/R