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

+ **BAIL APPLN. 2152/2024**

MOHIT KUMAR

.....Petitioner

Through: Mr. Abhay Mani Tripathi with Ms.
Anjali Chand, Mr. Mohit Baisla and
Ms. Shivangi Pandey, Advocates.

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State
with SI Shiv Singh, P.S.: Lodhi
Colony.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

05.08.2024

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By way of the present petition filed under section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C.'), the petitioner seeks anticipatory bail in case FIR no. 0086/2024 dated 30.03.2024 registered under sections 308/34 of the Indian Penal Code, 1860 at P.S.: Lodi Colony ('subject FIR').

2. *Vide* order dated 24.06.2024 the learned Vacation Judge was pleased to direct that no coercive steps shall be initiated against the petitioner.
3. Mr. Abhay Mani Tripathi, learned counsel appearing for the petitioner submits, that the incident in question was a result of jealousy between sports-persons and their *inter-se* disputes have since been resolved *vide* Settlement Deed/Memorandum of Understanding dated 17.05.2024 ('MoU').
4. Counsel informs the court, that in fact *vide* order dated 10.06.2024 passed by the learned Sessions Judge, Saket Courts, New Delhi in Bail Application No. 1804/24, the main accused, one Sekhar Dhaka, has



already been admitted to regular bail. He also submits that the petitioner has joined investigation and has been cooperating with the Investigating Officer.

5. Furthermore, Mr. Tripathi submits, that they have moved a petition under section 482 Cr.P.C. bearing CRL. M.C. No. 5931/2024, seeking that the subject FIR be quashed, which is listed next before this court on 05.11.2024.
6. MLC dated 30.03.2024 in the matter records that the injured has suffered a deep puncture wound on the right lower leg, with a lacerated wound on the right side of the head.
7. Ms. Shubhi Gupta, learned APP appearing for the State submits, that as per a subsequent medical opinion obtained, the injuries have been found to be 'simple' in nature and the doctor has opined that they could have been caused by blunt force impact.
8. In view of the above, considering that there has been a settlement between the parties and the injuries sustained have been found to be 'simple' in nature; and a co-accused has been admitted to regular bail, the present petition is disposed-of, directing that in the event of his arrest, the petitioner shall be admitted to bail by the Investigating Officer/Arresting Officer subject to the following conditions:
 - 8.1. The petitioner shall furnish a personal bond in the sum of Rs.25,000/- (Rs. Twenty-five Thousand Only) with 01 local surety in the like amount from a family member, to the satisfaction of the Investigating Officer/Arresting Officer;
 - 8.2. The petitioner shall furnish to the Investigating Officer a cellphone number on which the petitioner may be contacted at any



- time and shall ensure that the number is kept active and switched-on at all times;
- 8.3. If the petitioner has a passport, he shall surrender the same to the Investigating Officer and shall not travel out of the country without prior permission of this court;
- 8.4. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.
8. The petition stands disposed-of in the above terms.
9. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

AUGUST 5, 2024
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