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

+ **BAIL APPLN. 3113/2023**

SUJIT KUMAR

.....Petitioner

Through: Counsel(Appearence not given)

versus

STATE (GOVT OF NCT OF DELHI)

.....Respondent

Through: Mr. Hemant Mehla, APP for the State
with Insp. Chatter Singh, SI Vinar KR
and SI Raghubir Prasad PS Khyala

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **19.09.2024**

1. The present Application has been filed seeking grant of Bail to the Petitioner Sujit Kumar in FIR No. 325/2022 at PS Khyala under Sections 279/304 IPC.
2. It is submitted that after the tempo driver hit the WagonR from behind, he tried to escape and the WagonR Driver held on the tempo and was dragged for about half a kilometre before he fell and was then admitted to the Hospital. He died 4 days thereafter.
3. It is claimed that as per the Statement of the eye witness, the deceased had caught the bonnet of the tempo but it is a known fact that there is no bonnet in the tempo. Moreover, there were three alleged eye witnesses who were travelling with the deceased but none of them attempted to chase the tempo. The deceased was found lying on the road and the information was



given to the Police by a passerby. The entire case of the Prosecution is not believable. It is evident that the petitioner has been falsely implicated in this case.

4. The petitioner submits that he is a respectable person of the Society and has never been involved in any prior criminal activity. He has duly cooperated with the Investigating Agency. He is the only male member of the family and is suffering from financial difficulties. There is none to support his family and his aged parents. The Charge Sheet already stands filed. He undertakes to abide by any conditions which may be imposed while granting Bail.

5. Learned **APP has submitted a Status Report** wherein it is submitted that the deceased had been dragged for about half a kilometre before he got disengaged from the tempo and fell. He remained admitted in the hospital for four days, before he gave in to the injuries suffered by him. The deceased was just 30 years old and it is on account of the act of the petitioner that he died.

6. The Charge Sheet has been filed and the Trial is at the nascent stage. The Bail is thus, opposed.

7. **Submissions heard.**

8. The Charge Sheet has already been filed and six witnesses out of which three are public/eye witnesses have been recorded by the Prosecution.

9. The Petitioner is in Judicial Custody since last 30 months. The Trial would take some time to get concluded. Considering the totality of the circumstances, the petitioner is admitted to bail on the following conditions:-

a) The petitioner/accused shall furnish a personal bond of Rs.35,000/- and one surety of the like amount, subject to the



satisfaction of the learned Trial Court.

b) The petitioner/accused shall appear before the Court as and when the matter is taken up for hearing.

c) The petitioner/accused 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 intimate to the Investigating Officer concerned.

d) The petitioner/accused shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.

e) The petitioner/accused shall not change his residential address and in case of change of the residential address, the same shall be intimated to the IO/Trial Court, by way of affidavit.

10. The copy of this Order be communicated to the concerned Jail Superintendent as well as to the learned Trial Court.

11. The application is accordingly disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 19, 2024/PT