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

+ **BAIL APPLN. 3188/2023 & CRL.M.A.25673/2023,  
25675/2023**

**VIPUL @ VIPUL CHIKARA** ..... Applicant

Through: Mr. Nishant Nain, Mr.  
Rohit Kheriwal, Ms. Renu,  
Ms. Chabbi Jain, Mr.  
Raman Badgujar, Mr.  
Akhil Gupta and Ms.  
Charu Sharma, Advs.

versus

**STATE (NCT OF DELHI)** ..... Respondent

Through: Mr. Yudhvair Singh  
Chauhan, APP for the  
State with ASI Sushil  
Kumar, P.S. Jyoti Nagar

**CORAM:  
HON'BLE MR. JUSTICE AMIT MAHAJAN**

**ORDER  
10.01.2024**

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1. The present application is filed under Section 438 of the Code of Criminal Procedure, 1973, ('Cr.P.C') for grant of pre-arrest bail in FIR No. 468/2023 dated 19.07.2023, under Sections 323/341/195A/308/34 of the Indian Penal Code, 1860 registered at Police Station Jyoti Nagar.

2. The learned counsel for the applicant submits that two out of the four accused persons, in the present FIR, have been granted regular bail by this Court by an order dated 18.08.2023, and by the learned Trial Court by an order dated 06.09.2023.

3. The Additional Public Prosecutor submits that although the

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injuries as per the MLC are simple in nature, the stick (*danda*) and iron *palaas* which were used at the time of the incident have not been recovered.

4. The learned counsel for the applicant submits that it is not the allegation against the present applicant that he is the one who inflicted injury with the *danda* or iron *palaas*.

5. This Court does not find any significant difference, in the role assigned to the present applicant and the co-accused persons enlarged on bail. This Court had granted interim protection to the applicant by an order dated 05.10.2023 subject to him joining the investigation.

6. The learned Additional Public Prosecutor has also confirmed that the applicant has since joined the investigation.

7. On being asked, it is informed that the chargesheet is likely to be filed within a short period of time.

8. Considering the fact that the co-accused persons have already been enlarged on bail and the investigation is almost complete, the custodial interrogation of the applicant is not required. Moreover, the co-accused persons have already been enlarged on bail and it cannot be alleged that it is only the applicant who is likely to threaten the witnesses. It is also not alleged that the applicant is a flight risk.

9. In view of the above, this Court considers it apposite to direct that in the event of arrest, the applicant be admitted on bail subject to furnishing a personal bond of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the concerned SHO on the following conditions:

- a. The applicant shall join and cooperate with the investigation as and when directed by the Investigating Officer;

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- b. The applicant shall not tamper with the evidence in any manner;
- c. The applicant under no circumstance shall contact the victim / complainant or any of the witnesses;
- d. The applicant shall appear before the learned Trial Court on every date of hearing.
- e. The applicant shall not leave the boundaries of the city without informing the concerned IO.

10. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application, and should not influence the outcome of the Trial. The said observations should also not be taken as an expression of opinion on the merits of the case.

11. The bail application is allowed in the aforementioned terms.

**AMIT MAHAJAN, J**

**JANUARY 10, 2024**  
**ns**