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

+ BAIL APPLN. 3504/2023
MANSOOR @ SANNATA Applicant
Through: Mr. Amit Rana, Adv.

versus

STATE NCT OF DELHI Respondent
Through: Mr. Utkarsh, APP for the
State with SI Manoj
Kumar Tomar, PS Sarai
Rohilla.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

% **ORDER**
30.01.2024

1. The present application is filed under Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail in FIR No. 463/2020 dated 16.11.2020 under Sections 307/323/325/147/148/149/34 of the Indian Penal Code, 1860 registered at Police Station Sarai Rohilla.
2. The learned counsel for the applicant at the outset submits that pursuant to the dismissal of the applicant's bail application by the learned Trial Court, the co-accused Usman has been granted regular bail by this Court by an order dated 17.08.2023.
3. He submits that the applicant is entitled for grant of regular bail on the ground of parity as the role alleged against the applicant is similar to that of the co-accused Usman. He submits that the allegation against the applicant is that he in connivance with the other co-accused persons, has assaulted the victims by use of a knife, which resulted in grievous sharp injuries.
4. The learned Additional Public Prosecutor for the State

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submits that the offence alleged against the applicant is serious in nature and grievous injuries were caused to the victims. He, however, does not dispute that the allegation against the applicant is similar to the one alleged against the co-accused / Usman.

5. This Court by an order dated 17.08.2023 in **BAIL APPLN. 2041/2023**, filed by the co accused Usman, observed that the assault weapon, which resulted in grievous injuries to the victim, was not recovered, and there was nothing to connect the weapon to the injuries; as the charges were not framed, the trial would take some time to conclude, and thereby released the co accused Usman on regular bail.

6. The investigation in the present case is complete and the chargesheet has been filed. When the co-accused with the similar role has already been released on bail by an order passed by this Court, it cannot be urged that the applicant on being released would influence the witnesses. In any case, appropriate conditions can be imposed in this regard. It is also significant to note that even though the chargesheet was filed way back in the year 2021, the charges are yet to be framed. It is apparent that it would take a considerable period of time before the trial is concluded.

7. Considering the above, and the fact that the co-accused having been alleged with the similar role, if not graver, has already been released on bail, I am of the opinion that the further incarceration of the applicant is not required.

8. In view of the above, the applicant is directed to be released on bail on furnishing a bail bond for a sum of ₹50,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court / Duty MM / Link MM on the following conditions:

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- a. He shall under no circumstance leave the country without the permission of the Trial Court;
- b. He shall appear before the learned Trial Court as and when directed;
- c. He shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;
- d. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever.

9. In the event of there being any FIR/DD entry / complaint lodged against the applicant, it would be open to the State to seek redressal by way of seeking cancellation of bail.

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 and 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 30, 2024

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