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

+ **BAIL APPLN. 3751/2023 & CRL.M.A.-16397/2024**

NITIN @ KANCHI

.....Petitioner

Through: Mr. Akash Deep Malik &
Ms. Maheep Kaur, Advs.

versus

STATE

.....Respondent

Through: Ms. Meenakshi Dahiya, APP for the
State with Mr. Aman Singhal, Ms.
Kanika Kaundal, Mr. Karan Malik,
Mr. Pranam Priya, Mr. Nikhil Tomar,
Mr. Vikas Kumar & Ms. Renu Dalal,
Advocates
Insp. Sandeep PS Ranhola

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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24.07.2024

1. This application is filed seeking regular bail in FIR 135/2023 PS Ranhola under sections under Sections 302/323/342/34 IPC. Petitioner was arrested on 3rd February 2023 and as per nominal roll, is in custody since then. Petitioner has no previous involvement.
2. As per the FIR, information was received on 31st January 2023, that dead body of a male aged about 19 years was found with multiple injuries and the deceased was later identified as Deepak.
3. During the course of investigation, statement of 4 eyewitnesses was recorded wherein it was stated that the deceased was beaten up by 5 persons, including the petitioner with kicks, belts, punches and iron rods.
4. It is submitted by counsel for petitioner that other 4 co-accused have already been granted bail.



5. Charges were framed and trial has commenced. Out of 4 eyewitnesses, one is missing while 3 others were examined and their testimonies have been placed on record. It transpired that the eyewitnesses turned hostile and have not supported case of prosecution. In these facts and circumstances, bail is sought for petitioner.

6. In view of above facts, on account of parity as also noting the fact that eyewitnesses have not supported the case of prosecution, and as per the petitioner, there is no other circumstance evident, at this stage, which would implicate the petitioner; petitioner is entitled to bail.

7. In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the petitioner behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioner. Consequently, the petitioner is directed to be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioner will not leave the country without prior permission of the Court.
- ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- iv. Petitioner shall join investigation as and when called by the IO concerned.
- v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to



the IO concerned.

vi. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.

8. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.

9. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

10. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

11. Status report be filed by the State on record of this Court.

ANISH DAYAL, J

JULY 24, 2024/sm