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

+ **BAIL APPLN. 3855/2023**

**MR. RAVI PASWAN**

..... Petitioner

Through: Mr. Nityanand Singh, Advocate.

versus

**STATE GOVT. OF NCT OF DELHI**

..... Respondent

Through: Mr. Manoj Pant, APP for the State  
with Inspector Aadesh Kumar, P.S.  
Anand Parbat.

**CORAM:**

**HON'BLE MS. JUSTICE SWARANA KANTA SHARMA**

**ORDER**

**19.03.2024**

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1. The instant application under Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') have been filed on behalf of the applicant seeking regular bail in FIR bearing no.415/2021 dated 02.10.2021, registered at Police Station Anand Parbat, Delhi, for the offences punishable under Sections 302/396/34 of the Indian Penal Code, 1860 ('IPC').
2. Issue notice. Mr. Manoj Pant, learned APP accepts notice for the State.
3. The brief facts of the case are that this is the fourth application for grant of bail after rejection of three earlier bail applications by the learned Additional Sessions Judge-02 (West), Tis Hazari Court respectively on 22.03.2022, 04.06.2022 & 22.09.2022. The charges have already been framed against all the accused under Sections 147/148/302 read with Section



149 of the Indian Penal Code, 1860 ('IPC') vide order dated 19.04.2022 and the trial has commenced and is presently at the stage of recording prosecution evidence.

4. As per prosecution story, one Shailendra had borrowed Rs.300/- (Rupees Three Hundred only) from the accused Ravi. On 02.10.2021, when he was present with the deceased at his medical shop, Shailendra had received from Ravi who had asked for his money back. Shailendra had told him that he will arrange the money by evening, however, accused Anurag @ Frooti had threatened Shailendra that he will have to return the money immediately otherwise he should get ready to face the consequences. The deceased had replied that he would not be able to arrange the money before evening. At around 12:30 pm Shailendra and the complainant were going to home from the medical shop and as when they had entered Gali No.11, Nehru Nagar, they had seen Ravi, Anurag @ Frooti, and Javed alongwith 2 other boys coming from the other side of the Gali. Anurag @ Frooti had approached them and had placed his hand on the shoulder of Shailendra and had taken him aside where his friends were standing. Thereafter, Anurag @ Frooti had slapped him on the neck and everybody had started beating him. Thereafter Javed and Ravi held both the hands of Shailendra and Anurag @ Frooti took out a knife and inflicted two blows on the right thigh of Shailendra. Till the time, he had reached to help Shailendra, all those boys had run away towards Gali no. 11 from where they had come. He had started shouting. On hearing his shouts, his friends Vishal, Deepak, Sujeet and Medical Shop owner Greece had reached at the place of incident and they had taken Shailendra to Acharya Bhikshu Hospital in an autorickshaw. While taking Shailendra to the Hospital, his clothes were drenched in blood.



In Hospital, the doctor had declared Shailendra dead. Shailendra's phone was found missing. Charge-sheet was filed under Sections 147/148/302 read with Section 149 of IPC.

5. The learned counsel for the applicant states that the witnesses have not supported the case of the prosecution and have turned hostile. It is also stated that no public witness remains to be examined. It is, therefore, prayed that the present accused/applicant be enlarged on bail.

6. Learned APP for the State, on the other hand, states that the allegations against the accused are serious however, he admits that the public witnesses have turned hostile and have not supported the prosecution case.

7. This Court has heard arguments addressed by learned counsel for the applicant as well as learned APP for the State and has perused the material available on record as well as certified copies of the statement of the witnesses recorded by the learned Trial Court.

8. After hearing arguments and going through the case file as well as certified copies of the statement of the witnesses recorded by the learned Trial Court, this Court is of the opinion that all the material witnesses have turned hostile and not supported the case of the prosecution on the point of their identity or facts. The copies of the statements so recorded are already on record. No other public person remains to be examined.

9. Considering the overall facts and circumstances of the case, the accused is admitted to bail on his furnishing personal bond in the sum of Rs.15,000/- with surety of the like amount to the satisfaction of the Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:



- i) The applicant shall not leave NCT of Delhi without prior permission of the concerned IO/SHO.
  - ii) The applicant shall not directly or indirectly make an attempt to influence the witnesses or tamper with the evidence in any manner.
  - iii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court.
10. The bail application stands disposed of.
  11. The order be uploaded on the website forthwith.

**SWARANA KANTA SHARMA, J**

**MARCH 19, 2024/hs**

*Click here to check corrigendum, if any*