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

+ **BAIL APPLN. 4047/2023**

VISHAL

..... Petitioner

Through: Mr. Prateek Chaudhary and Mr.
Ravinder Kumar, Advocates

versus

**THE STATE, GOVERNMENT OF NATIONAL
CAPITAL TERRITORY OF DELHI**

..... Respondent

Through: Ms. Shubhi Gupta, APP for State with
SI Ramphool, PS: Fatehpur Beri.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

22.04.2024

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1. This is an application preferred on behalf of the applicant Vishal S/o Sh. Vikal Kumar under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.544/2023 dated 19.11.2023 under Sections 332/186/353/34 IPC registered at PS: Fatehpur Beri.

2. Case of the prosecution is that on 19.11.2023 at about 02:35 PM, a PCR Call was received from one Delhi Police personnel that a quarrel had taken place with the Police personnel at Aaya Nagar, Delhi and the injured Police personnel had gone to AIIMS hospital for treatment. Statement of injured Ashok Kumar was recorded at the hospital, who stated that he was posted as Special Staff in South District. On 19.11.2023 at about 1:15 PM, he along with HC Sandeep and ASI Sanjay went to Aaya Nagar for investigation in case FIR No. 543/2023 under Sections 307/34 IPC, PS: Fatehpur Beri as directed by senior officers. He was on his private motorcycle and when he reached near CBR Hospital, a scooter rider/



applicant, hit his motorcycle, on which he asked him to drive carefully but he in turn used abusive language. Ashok Kumar showed his I-Card and informed the rider that he was from Delhi Police and was checking CCTV footages in the area in a murder case. Complainant also told him not to obstruct in the performance of the official duty. However, the applicant/accused started calling his friends, who came with sticks in their hands and started beating the complainant and HC Sandeep and also tore the clothes of the complainant. Present FIR was thereafter registered and investigation was taken up. On 20.11.2023, notices under Section 41A Cr.P.C. were served on the family members of accused persons for joining investigation but they failed to do so. On getting interim protection, applicant has joined the investigation, which is at the initial stages.

3. Learned counsel for the applicant states that the applicant is innocent and is being falsely implicated. The CCTV footage would itself reveal that applicant was not involved in any verbal argument or the alleged beating and happened to be present at the spot at the wrong time. CCTV footage would also indicate that no *danda* is involved in the incident and there is no other weapon of offence. Since the footage has already been retrieved and is in custody of the Police, custodial interrogation of the applicant is not required. Applicant has co-operated during investigation and has helped in identifying the co-accused Yash and is ready and willing to render further co-operation and join investigation, as and when called by the IO.

4. Status Report has been filed on behalf of the State. Learned APP for the State, on instructions from the IO, states that applicant has joined investigation and has co-operated to the extent of identifying the co-accused Yash, who in turn identified Deepanshu and Sachin, the other two accused.



Weapon of offence is yet to be recovered *albeit* the CCTV footage does not indicate any weapon in the hands of the applicant. It is, however, candidly stated that the custodial interrogation of the applicant is not required at this stage.

5. Heard.

6. By order dated 01.12.2023, this Court had granted interim protection to the applicant against coercive action, subject to his joining the investigation, as and when directed by the IO and fully co-operating in the same. It is the stand of the applicant that he was not involved in the alleged incident of obstructing the Police personnel from performing their official duties and/or abusing or beating them, which according to the counsel is evident from the CCTV footage of the spot of the incident. State, on the other hand, takes a contrary position and disputes and denies that applicant was not present at the spot or was not indulging in the alleged actions. Be that as it may, the exact role that can be ascribed to the applicant connecting him to the alleged offence would be a matter of trial. Applicant has joined investigation and has been co-operating therein. He has assisted in the investigation by identifying the co-accused. There are no allegations that the applicant is a flight risk or that he has tampered with evidence or threatened or intimidated the complainant or any other witness involved in the present case. It is also the stand of the investigating agency that custodial interrogation of the applicant is not required but the applicant must furnish an undertaking that he will join investigation and co-operate therein, as and when required.

7. In view of the aforesaid, interim order granting protection to the applicant against coercive action is made absolute and it is directed that in



the event of arrest, applicant shall be released on bail, subject to furnishing a personal bond in the sum of Rs.30,000/- with two sureties of the like amount each, to the satisfaction of the concerned Trial Court and further subject to the following conditions:-

- i. Applicant shall not leave the country without prior permission of the Trial Court;
 - ii. He shall furnish his mobile number to the IO and keep the same active at all times and shall not change the mobile number without prior intimation to the IO and the Trial Court;
 - iii. He shall appear before the Trial Court on every date of hearing;
 - iv. He shall not, directly or indirectly, indulge in any illegal activity or make any inducement, threat or promise to any person associated with the case including the complainant; and
 - v. He shall furnish his current residential address to the IO and intimate any change in the same to the IO and the Trial Court by way of an affidavit.
8. Application stands disposed of in the aforesaid terms, making it clear that this Court has not expressed any opinion on the merits of the case.

JYOTI SINGH, J

APRIL 22, 2024/kks/shivam