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

+ BAIL APPLN. 2830/2024, CRL.M.A. 23756/2024

OMKAR

.....Petitioner

Through: Mr. Mahavir Sharma, Ms. Charul Chaudhary, Mr. K.P. Singh, Ms. Neha Bisht, Ms. Avantika Sharma and Mr. Deepanshu Mudgal, Advs.

versus

THE STATE GOVT OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Laksh Khanna, APP for State with ASI Phool Karan and SI Ashish Kumar, PS Okhla Indl. Area.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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25.10.2024

1. By way of present bail application, the applicant seeks regular bail in FIR No. 231/2024 registered under Sections 307/34 IPC and Section 25 Arms Act at Police Station Okhla Industrial Area, Delhi.
2. Learned counsel for the applicant/petitioner submits that the present case was registered in the context of an altercation which took place between the injured/complainant and one *Kanhaiya* on 25.03.2024. As per the case of the prosecution, the said *Kanhaiya*, who was not even identified by the complainant, called his other associates, whereafter, co-accused *Suraj* and the present applicant alongwith other persons came to the spot of the incident. It is further submitted that the stab injuries were inflicted by the co-accused, *Suraj* and that the only role attributed to the present applicant is of



being involved in the altercation. Lastly, it is stated that the applicant is a student of 12th Class and has no prior criminal record.

3. The application is resisted by learned APP for the State, who submits that as per the statement of the injured/complainant, the applicant had reached the spot alongwith the co-accused *Suraj* at the asking of *Kanhaiya*. It is further stated that while the applicant and the other accompanying persons gave beatings to the complainant, the co-accused *Suraj* inflicted the stab wounds with a button operated knife. Insofar as the role of the present applicant is concerned, it is stated that he was involved in the altercation, however, learned APP concedes that the grievous injury is attributed to the co-accused *Suraj*. Furthermore, it is submitted that during investigation, even CDR connectivity is found between *Kanhaiya* and *Suraj*. He, on instructions, states that the present applicant is not involved in any other case. Learned APP has also handed over a copy of the Status Report, which is taken on record.

4. Considering the role of the applicant in the incident and the age of the applicant as well as the fact that the stab injuries are not attributed to the present applicant, it is directed that the applicant be released on regular bail, subject to his furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/ concerned Court/Duty J.M. and subject to the following further conditions:-

- i) The applicant shall not leave the NCR without prior permission of the concerned Court.
- ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during



the pendency of the trial.

iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.

iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.

v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.

5. The bail application is disposed of in the above terms alongwith miscellaneous application.

6. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.

7. Copy of the order be uploaded on the website forthwith.

8. Needless to state that this Court has not expressed any opinion on the merits of the case and have made the observations only with regard to present bail applicant and nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

MANOJ KUMAR OHRI, J

OCTOBER 25, 2024

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