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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 2834/2024

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.....Petitioner

Through: Mr. Suraj Prakash Sharma, Advocate.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Laksh Khanna, APP for State
with Insp. Sanjay Kumar Singh, PS
Sadar Bazar and IO Insp. Parvesh
Kaushik, PHQ.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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30.08.2024

1. By way of present application, the applicant/petitioner seeks regular bail in FIR No. 221/2022 registered under Sections 302/120B/34 IPC at P.S. Sadar Bazar, Delhi.
2. Learned counsel for the applicant submits that the applicant is in custody since 28.02.2022. It is submitted that though the chargesheet has been filed, the charges are yet to be framed. On merits, it is stated that the applicant was falsely implicated in the present case as the CCTV footage of the incident does not show his presence at the spot. Additionally, it is contended that the applicant, on the date of the incident, was less than 18 years of age and in this regard, record from the last school attended by the applicant was referred to.
3. The bail application is opposed by the learned APP for the State, who submits that the applicant was seen in the company of the co-accused

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Devender and Gopal. It is further submitted that the applicant's call detail records also show him to be in constant touch with the said co-accused persons. Learned APP states that an eye witness has also been cited, who had seen the applicant running away from the spot with the said co-accused persons. He has also handed over a copy of the Status Report in Court, which is taken on record. As per the Status Report, the documents submitted by the applicant regarding his date of birth are stated to have been verified by the Nepalese Embassy and the same are stated to be genuine. As per the school records, the applicant's date of birth is recorded as 17.02.2005. The present incident statedly occurred on 27.02.2022. The Status Report further indicates that the aforesaid verification report has also been preferred before the Sessions Court, with the request to transfer the case before the concerned Juvenile Justice Board.

4. Nominal roll of the applicant is also placed on record, as per which, the applicant has been in custody for 02 years, 05 months and 09 days as on 13.08.2024.

5. Considering the aforementioned facts and circumstances of the case especially the status report verifying the age of the 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 Judicial Magistrate First Class 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.

6. The bail application is disposed of in the above terms.

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

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

9. Needless to state that 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

AUGUST 30, 2024
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