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

+ **BAIL APPLN. 2891/2024 & CRL. MA 24275/2024**

SUDHAKAR PANDITPetitioner

Through: Mr. Sashikant Maurya and Mr.
Lakhvir Thapar, Advocates.

versus

THE STATE NCT OF DELHIRespondent

Through: Mr. Laksh Khanna, APP for State
with SI Kushank PS Swaroop Nagar,
Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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06.11.2024

1. By way of present bail application, the applicant/petitioner seeks regular bail in FIR No. 0705/2023 registered under Sections 304/34 IPC at Police Station Swaroop Nagar, Delhi.
2. Learned counsel for the applicant states that the applicant has been in custody since 09.11.2023 and the incident is dated 04.11.2023. He submits that as per the case of the prosecution, the deceased *Gauri Shankar* had an altercation with the co-accused, namely, *Pancham* at the latter's house. Further as per the prosecution case, the role of inflicting the knife blow on the deceased is attributed to the co-accused *Pancham*. It is stated that as per the complaint which was lodged after two days of the incident, the only role ascribed to the present applicant is of being present in the house at the time of the incident. Lastly, it is stated that there is no overt act attributed to the present applicant in the entire altercation.
3. The bail application is opposed by learned APP for the State who



submits that during the investigation, the statement of wife of the deceased was recorded, wherein she stated that the incident occurred on 04.11.2023 when the deceased had gone to the house of the neighbour namely, *Pancham* (co-accused), where an altercation took place and the deceased was inflicted with knife blow in the stomach. The said fact was told to her by the injured when he returned home. In her statement, she further stated that the knife blow was inflicted with the aid of present applicant. He further states that the knife was also recovered at the instance of the co-accused *Pancham*.

4. I have heard learned counsel for the parties and perused the record.

5. The incident has occurred at the house of co-accused *Pancham*, though at one place it is stated that the present applicant is known to *Pancham*, however, at another place he is described as his brother.

6. On a prima facie consideration of the material placed on record, this Court is of the considered opinion that as per the material placed on record in this case, the overt act of inflicting the knife injury has not been ascribed to the present applicant and keeping in view the period of his custody as well as the foregoing facts, 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/Link JM/Duty JM. 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.

7. The bail application is disposed of in the above terms along with pending application.

8. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.

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

10. 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

NOVEMBER 6, 2024/rd