



\$~5

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

+ **BAIL APPLN. 2913/2024**

NAZIM CHOUDHRY

.....Petitioner

Through: Mr. Mritunjay Kumar Singh, Mr. Saikat Khatua, Mr. Sahil Chaitanya, Mr. Akash Ojha, Mr. Danish Ovama, Mr. Harsh Garg, Mr. Misbah Bin Tariq and Ms. Tejasvi Singh Nandal, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP for State with ASI Rajender Kumar, PS North Avenue.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

11.09.2024

%

1. By way of the present application, the petitioner/applicant seeks release on regular bail in FIR No. 063/2023 registered under Sections 365/395/397/412/120B IPC at P.S. North Avenue, New Delhi.
2. Learned counsel for the applicant submits that the name of the applicant is not in the initial FIR or in the statement of the complainant recorded under Section 164 Cr.P.C. It only surfaced during the disclosure of co-accused *Neha Khan*. He submits that even otherwise, the reading of the chargesheet would show that the role assigned to the present applicant is of accompanying co-accused *Amir Siddiqui*, with whom the complainant also had monetary transactions and holding the legs of the complainant during the commission of offence. He further submits that there is no recovery at the instance of the present applicant, and the chargesheet having been filed,



no further interrogation/investigation is required. Learned counsel also submits that the petitioner/applicant has also filed CRL.M.C. 770/2024, in which the complainant has given an affidavit stating that the applicant was not present at the time of incident.

3. The bail application is opposed by learned APP for the State, who submits that the applicant has been identified by the complainant as one of the accused persons who was also present at the time of incident. It is stated that the applicant is also found to be involved in three other cases, out of which two are of similar nature and in one of which, he was also convicted. It is also stated that the applicant was declared Proclaimed Offender vide order dated 31.01.2024. The applicant is stated to be in custody since 04.02.2024.

4. At this stage, learned counsel for the applicant submits that the applicant has himself surrendered on 03.02.2024 and he is custody since then.

5. I have heard learned counsel for the parties and perused the material on record.

6. Considering the role assigned to the applicant and that the name of applicant only surfaced in the disclosure statement of co-accused and further that no recovery has been effected at his instance, this Court is inclined to release the applicant 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.
7. The bail application is disposed of in the above terms.
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 the 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

SEPTEMBER 11, 2024

akc