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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2955/2024**

KASIM

.....Applicant

Through: Mr. Pradeep Tyagi, Adv.
through V.C.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar
Chahar, APP for the State
along with Mr. Saurabh
Bindal, Mr. Aslam Ahmad
& Mr. Akash Verma,
Advs.
SI Neeraj Chahal, PS
Seelampur.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **20.08.2024**

CRL.M.A. 24744/2024 (*exemption from filing certified copy of
the annexures*)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present application is filed seeking pre-arrest bail in
FIR No.271/2024 dated 30.06.2024 registered at Police Station
Seelampur for offence under Sections 307/34 of the Indian Penal
Code, 1860 (IPC).

4. The FIR was registered on a complaint given by the victim
alleging that on 30.06.2024, when he was standing outside his
house, accused – Sakir along with his two friends was abusing
certain people, and when the victim asked him to not create any
ruckus, they caught hold of him and started beating him with

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belt. It is alleged that accused – Sakir then took out a sharp weapon and stabbed him whereafter, the accused persons ran away.

5. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He submits that admittedly applicant was not named at the time of registration of the present FIR. He further submits that the victim also appeared before the learned Sessions Court and had stated that he was assaulted by accused – Sakir and two other boys. However, the applicant was not present at the time of incident.

6. The applicant is young boy aged 19 years. It is not disputed that the victim and the applicant were known to each other. Even if, the allegations are taken at the highest, it is not in dispute that the offence allegedly happened at a spur of the moment and no allegation has been made against the applicant that he had stabbed the victim in any manner that led to serious injuries.

7. Even otherwise, the statement of the victim is noted by the learned Sessions Court while dismissing the bail application filed by the applicant. The victim appeared before the learned ASJ and categorically stated that the applicant was not present at the time of the alleged incident and injuries were caused by the accused – Sakir.

8. In view of the above, without commenting further on the merits of the case, the present application is allowed. It is directed that in the event of arrest, the applicant be released on bail on furnishing a personal bond of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the concerned SHO, on the following conditions:



- a) The applicant shall join and cooperate with the investigation as and when directed by the IO;
 - b) The applicant shall not leave the boundaries of Delhi without informing the IO/ SHO concerned;
 - c) The applicant shall not contact the complainant / witnesses or tamper with the evidence in any manner;
 - d) The applicant shall give his mobile number to the concerned IO/SHO and shall keep the same switched on at all times;
 - e) The applicant shall provide the address of his residence to the IO/SHO and shall not change the same without informing the concerned IO/SHO.
9. In the event of there being any violation of the stipulated conditions, it would be open to the State to seek redressal by filing an application seeking cancellation of the bail.
10. The bail application is allowed in the aforesaid terms.

AMIT MAHAJAN, J

AUGUST 20, 2024
“SK”