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

+ **BAIL APPLN. 4215/2023**

**RADHEY SHYAM**

..... Petitioner

Through: **Mr. Ankit Rana, Advocate.**

versus

**THE STATE (GOVT. OF NCT OF DELHI)** ..... Respondent

Through: **Ms. Meenakshi Dahiya, APP for State  
with Mr. Chaaitanya Jain and Mr.  
Shishav Shukla, Advs.  
Inspector Manoj Kumar and SI Vijay,  
PS Mahendra Park.**

**CORAM:**

**HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA**

**ORDER**

**14.05.2024**

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1. Second application under Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner/applicant for grant of regular bail in FIR No. 011/2016 under Sections 302/323/342/392/201/34 IPC registered at P.S.: Mahendra Park. Supplementary chargesheet has been filed under Sections 302/323/342/392/201/174A/120B/34 IPC.

2. In brief, as per the case of prosecution, a PCR call was received in PP New Sabzi Mandi, PS Mahendra Park that watchman had brought 2-3 boys and out of them one is unconscious. On reaching the spot, Ronak Kumar Solanki aged about 22 years, was found in injured condition, while his friend Sanjay @Sannu (deceased) aged about 22 years, was found dead in Delhi Jal Board at Azadpur Fruit Mandi, near shed no. 6. Present FIR was



registered on complaint of Ronak Kumar Solanki, on 07.01.2016, who alleged that he alongwith his friend Sanjay @ Sannu (deceased) were brutally assaulted by guards of fruit mandi on the pretext of being thieves, when Sanjay @ Sannu had taken a carton of apples from shed no. 7. He further alleged that both of them were confined in a room at Delhi Jal Board, wherein after assault, Sanjay had expired. Their belongings i.e. motorcycle alongwith mobile phone, wallet were also robbed by the said persons.

3. During the course of investigation, Sanju Kumar (guard, Delhi Jal Board) alongwith security guards of fruit mandi namely Raj Singh @ Raja and Jitender @ Bablu were arrested. However, the petitioner Radhey Shyam absconded and proceedings were initiated against him under Sections 82 Cr.P.C. The applicant/petitioner was finally arrested on 05.03.2018, but refused to participate in TIP proceedings.

4. Learned counsel for petitioner submits that co-accused have already been released on bail vide orders dated 04.03.2017, 29.03.2017 and 03.08.2017. It is urged that case of petitioner is at parity with the co-accused. It is emphasized that statement of PW4 Ronak has already been recorded and has not supported the case of prosecution.

5. On the other hand, application is opposed by learned APP for the State on the grounds that petitioner had misused the interim bail granted under HPC guidelines and had failed to surrender. Further the petitioner is stated to have surrendered on 02.11.2023.

6. I have given considered thought to the contentions raised.

Statement of solitary eye witness to the incident Ronak Kumar has already been recorded. Prosecution version does not appear to have been supported by PW4 Ronak. Earlier bail application preferred by petitioner



was dismissed as withdrawn on 16.10.2019, prior to examination of the witnesses.

Considering the facts and circumstances, petitioner is admitted to bail on furnishing a personal bond in the sum of Rs. 20,000/- (Rupees Twenty Thousand only) with one surety in the like amount to the satisfaction of the learned trial court and subject to the following conditions :

- (i) Petitioner shall provide his mobile number to the Investigating Officer (IO) / SHO concerned;
- (ii) Petitioner shall not threaten or influence the witnesses in any manner.

Application is accordingly disposed of.

A copy of this order be forwarded to Superintendent Jail and learned Trial Court for information.

**ANOOP KUMAR MENDIRATTA, J**

**MAY 14, 2024/akc**