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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3071/2024**
ADITYA JHAPetitioner

Through: Mr. S. Islam, Mr. Lalit Valecha, Ms.
Taniya Bali, Ms. Aakriti, Ms. Sanju
Kumari, Mr. Rahul Mr. Atul and Ms.
Riddhima, Advs.

versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr. Amit Ahlawat, APP for the State
with SI Jagpal Singh, PS Dwarka
North.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **07.10.2024**

1. This petition has been filed seeking regular bail in FIR No. 293/2024 PS Dwarka North under Sections 307/34 IPC. Petitioner is in custody since 29th June, 2024.
2. The case of the prosecution is based on a complaint by one Aditya Jha that on 28th June, 2024 at about 9:00 P.M. he left the gym at Sector-12A, Dwarka and was ready to leave on a scooter which was parked in front of the gym. Meanwhile, a boy assaulted him from behind with a stick and thereafter he was abused at and another boy joined him. Both started abusing him and started fighting with him. He received various injuries in the process.
3. The allegation was that also a broken bottle was used to assault him and he suffered injuries on his hands as well. Thereafter, he sat on the scooter and was attempting to go when one of the accused brought his red car in reverse direction and hit the bike on which he was sitting on. The



complainant was taken to the hospital in Dwarka, Sector-18A for treatment. He did not know the name and address of the boys who quarrelled with him. The FIR was registered and the investigation was taken up. It is stated in the status report that subsequently two boys were caught up by the public and beaten up.

4. Counsel for the petitioner points out that the co-accused Shaurya Thapliyal has been granted bail by the Trial Court on 20th August, 2024. Aside from seeking parity with the co-accused, he further contends that in the CCTV footage which the prosecution seeks to rely upon it is impossible to identify the assailants. Besides, the petitioner himself had called up the police after the incident and has himself suffered injuries. He stated that the whole issue resulted from an aggressive stance of the complainant in a physical tussle with the co-accused. The petitioner was present nearby and intervened to protect the co-accused from harm. The allegation is that they had been assaulted by the complainant himself.

5. The investigation is now over and the charge-sheet has been filed. It is stated that the petitioner is a young boy who is doing his MBA and his continued custody may not be necessary considering the charge-sheet has been filed.

6. The APP for the State refutes the same stating that the petitioner was identified in the TIP by the complainant whereas the co-accused Shaurya Thapliyal was not identified in the TIP and, therefore, parity cannot be sought.

7. The CCTV footage has been shown to the Court, and the submission of the counsel for the petitioner, that it is difficult to identify anyone through that footage, at first glance, may have some merit, *prima facie*. These



aspects though will have to be filtered in the trial.

8. Since the charge-sheet has been filed and the petitioner has been in custody for a few months, this Court considers it fit to grant bail to the petitioner.

9. In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the petitioner behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioner.

10. Consequently, the petitioner is directed to be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- ii. Petitioner will not leave the country without prior permission of the Court.
- iii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iv. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- v. Petitioner shall join investigation as and when called by the IO concerned.
- vi. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.



- vii. Petitioner will mark presence virtually before the concerned I.O. every Thursday of every month between 4 p.m.- 5 p.m.
- viii. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.
- ix. The petitioner shall be resident at his permanent address i.e. RZG-272, Gali No.7, Raj Nagar Part-2, Palam Colony, Raj Nagar-II, Delhi Cantonment, South-West Delhi. However, the petitioner will be allowed to attend his course which he is pursuing at Sri Satya Sai University of Technology and Medical Sciences, Sehore, M.P.
- 11. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.
- 12. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
- 13. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.
- 14. *Dasti.*
- 15. Order be uploaded on the website of this Court.

ANISH DAYAL, J

OCTOBER 7, 2024/MK