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

+ **BAIL APPLN. 3083/2024**

PRADEEP @ RAWAN

.....Petitioner

Through: Counsel for petitioner (appearance
not given)

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP for the State
with SI Anil Kumar, PS Vijay Vihar.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

17.09.2024

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1. The Bail Application under Section 439 of CrPC has been filed on behalf of the petitioner for grant of bail in FIR No. 478/2023 dated 18.09.2023, for the offence under Section 307/147/148/149/34 of IPC, 1860 and Section 25 of Arms Act, 1959, registered at Police Station Vijay Vihar.
2. The brief facts as narrated in the Petition are that on 16.09.2023 at about 12 midnight, the CCL along with five other persons went to the shop and thereafter gave beatings and inflicted stab injuries on the two injured persons, namely, Rahul alias Haddi and Abhinendra alias Labbu. On the basis of information received, the police went to the Hospital where they found Amit Gupta, injured/complainant admitted with injuries inflicted by knife. On 18.09.2023, the FIR was registered.
3. The petitioner has submitted that that he is in custody since 29.11.2023 and was not visible in CCTV footage. He was not involved previously in any commission of crime. He is an innocent boy and has been



implicated falsely in this case. No purpose would be served by detaining him in jail. No eye witness has named him in their statements. He is not likely to abscond and undertakes to abide by any terms and conditions for grant of bail.

4. Learned APP for the State has opposed the Bail Application on the ground that there are in all six accused persons involved out of which only CCL has been admitted to bail while all others are in custody. Deepak is also on bail but the allegations against him were only Section 120B. It is stated that the stab injury though was caused by the CCL and Irfan and the knife was also recovered from the possession of the Irfan but in the CCTV footage, it is visible that the present petitioner along with the other co-accused had given severe beatings to the injured persons. Though the Charge sheet has been filed, the prosecution evidence is yet to commence and there are five victims/eye witnesses/public witnesses to the present incident.

5. **Submissions heard.**

6. The accused is in judicial custody since 29.11.2023. The case of the prosecution is that he along with the other co-accused, had given severe beatings. The knife injuries had been inflicted by the CCL and Irfan and not by the Petitioner.

7. Considering the nature of allegations and also that he is in judicial custody since 29.11.2023 and the Charge Sheet has been filed and the trial may take long, the petitioner is admitted to bail on the following conditions:

- a) The petitioner/accused shall furnish a personal bond of Rs.25,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.



- b) The petitioner/accused shall appear before the Court as and when the matter is taken up for hearing.
 - c) The petitioner/accused shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number, without prior intimate to the Investigating Officer concerned.
 - d) The petitioner/accused shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.
 - e) The petitioner/accused shall not leave the country, without permission of this Court.
 - f) The petitioner/accused shall not change his residential address and in case of change of the residential address, the same shall be intimated to this Court, by way of affidavit.
 - g) The petitioner/accused shall not threaten the witnesses and shall not tamper with the evidence.
8. The copy of this Order be communicated to the concerned Jail Superintendent as well as to the learned Trial Court.
9. The Petition is disposed of accordingly.

NEENA BANSAL KRISHNA, J

SEPTEMBER 17, 2024/RS