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IN THE HIGH COURT OF DELHI AT NEW DELHI

BAIL APPLN. 3120/2024 & CRL.M.A. 26105/2024

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.....Applicant

Through: Mr. Divyesh Pratap Singh
& Mr. Pratiksha Tripathi,
Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Naresh Kumar
Chahar, APP for the State
with Mr. Karan Khurana,
Mr. Hari Shankar Sharma,
Mr. Ashutosh Kumar &
Mr. Deepak Grover,
Advocates.
SI Saurabh (P.S. Malviya
Nagar).

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

30.08.2024

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1. The present application is filed by the petitioner seeking regular bail in FIR No. 612/2023, dated 21.11.2023, registered at Police Station Malviya Nagar, for offences under Sections 323/341 of the Indian Penal Code, 1860 ('IPC').
3. This Court, by order dated 23.08.2024, has already admitted the accused Arshad Ali on bail. Both the applicant and the accused Arshad Ali had surrendered on 18.04.2024.
4. This Court while admitting the accused Arshad Ali on bail had noted that the parties involved in the present dispute are related to each other. The FIR was also registered at the instance of the applicant and his family members being FIR No.613/2023, for offences under Sections 323/354/341/509/34 of the IPC.
5. This Court also noted that the women in the family were



also named as accused persons in the FIRs registered at the instance of both the parties. The accused Sameer and Arshad Ali were seen in the CCTV footage inflicting blows on the victim. The accused Sameer has been admitted on regular bail by an order passed by the learned Trial Court whereas the accused Arshad Ali, as noted above, has been admitted on bail by an order passed by this Court on 23.08.2024. It is undisputed that the incident was captured in the CCTV, where large number of accused, including some of the women were seen inflicting blows on the victim and other family members of the victim. The role attributed to the applicant is not graver than the role attributed to other accused persons who have been admitted on bail.

6. The applicant in the above circumstances is entitled to grant of bail on the ground of parity. The applicant is in custody since 18.04.2024. The chargesheet has already been filed in the present case.

7. The learned counsel for the applicant, on instructions, submits that on being released on bail, the applicant will not reside in the vicinity of the complainant.

8. Without commenting further on the merits of the case, I am of the opinion that the applicant has made out a case for grant of bail. The applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of ₹50,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. The applicant shall provide his address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;



- b. The applicant shall not stay within 5 Kms of radius where the complainant resides;
 - c. The applicant shall under no circumstances leave the country without the permission of the learned Trial Court;
 - d. The applicant shall appear before the learned Trial Court as and when directed;
 - e. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;
 - f. The applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever.
9. In the event of there being any FIR/ DD entry/ complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.
10. It is clarified that the observations made in the present order are only for the purpose of deciding the present bail application and shall not influence the outcome of the trial and shall also not be taken as an expression of opinion on the merits of the case.
11. The present application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

AUGUST 30, 2024

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