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

+ **BAIL APPLN. 4346/2023**

DHANRAJ KUMAR Applicant

Through: **Mr. M.L. Yadav, Adv.**

versus

STATE (N.C.T. OF DELHI) Respondent

Through: **Mr. Mukesh Kumar, APP**
for the State with **Mr.**
Sumit Kumar, Adv.
SI Johny Kumar, PS-
Uttam Nagar

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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16.04.2024

1. The present application is filed under Section 438 of the Code of Criminal Procedure, 1973 for the grant of pre-arrest bail in FIR No.626/2023 dated 27.10.2023, registered at Police Station Uttam Nagar, for offences under Sections 307/34 of the Indian Penal Code, 186.

2. It is pointed out that the applicant was granted interim protection by this Court by order dated 03.01.2024. Pursuant to the order dated 03.01.2024, the applicant is stated to have joined the investigation.

3. This Court, by order dated 31.01.2024, had granted bail to co-accused Pawan noting that the victim had suffered simple injuries and the prosecution had placed nothing on record to show that the victim had been hospitalized for a long period of time. It was also noted that co-accused Pawan is a young boy of 19 years of age having no antecedents. It was observed that the



investigation is already complete and the chargesheet has already been filed and, therefore, no useful purpose would be served by keeping co-accused Pawan (the applicant therein) in further incarceration.

4. It is not the case of the prosecution that the applicant has not cooperated with the investigation or has tried to influence the witnesses.

5. It is also not denied that the chargesheet in relation to the role of the applicant has also been filed. The weapon allegedly used to stab the complainant/ victim has not yet been recovered.

6. The applicant is stated to be 20 years of age having no antecedents. He belongs to the poor strata of the society.

7. It is relevant to note that the role of the applicant, in any case, is not graver than that of co-accused Pawal who has already been granted bail by this Court. It is not denied that the order granting bail to the said co-accused has not been challenged by the prosecution.

8. In such circumstances, this Court is of the opinion that the applicant has *prima facie* made out a case for grant of bail.

9. In view of the above, it is directed that in the event of arrest, the applicant be admitted on bail on furnishing a personal bond of ₹20,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. The applicant shall 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;
- b. The applicant shall not contact the victim or any other eye witness in any manner whatsoever;



- c. The applicant shall join and cooperate in further investigation as and when directed by the IO;
- d. He shall appear before the learned Trial Court on every date of hearing;
- e. The applicant will not leave the boundaries of Delhi without informing the IO/ SHO concerned.
- f. The applicant shall give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;
- g. The applicant shall give the details of his residence to the concerned IO/SHO, and inform them in case of any change.

10. 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.

11. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the Trial and also not be taken as an expression of opinion on the merits of the case.

12. The bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

APRIL 16, 2024

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