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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 3289/2024

SHARAN DAS

.....Petitioner

Through: Mr. Md. Shahid, Mr. Sameer Ali,
Mr. Danish Ali, Mr. Akshay Kumar,
Md. Kamran & Ms, Taruna,
Advocates

versus

**STATE (GOVT OF NCT OF DELHI) THROUGH SHO P.S
MADHU VIHAR**

.....Respondent

Through: Mr. Aman Usman, APP for the State
SI Vineet PS Madhu Vihar

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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18.10.2024

1. APP for the State has handed up status report in the Court today; same be filed on record of this Court.
2. This petition has been filed seeking regular bail in FIR No.3/2024 under Sections 393/394/34 IPC PS Madhu Vihar. The petitioner has been in custody since 04th January, 2024. As per the nominal roll, he has no previous involvements and his jail conduct is satisfactory.
3. It is informed that co-accused Ajit Thakur has been granted bail by the Trial Court on 20th September 2024.
4. The case of the prosecution is that on 4th January 2024, on complaint of one Ashwani Singh instant FIR was registered. The complainant stated that when he was coming back to his residence on 2nd January 2024 at about 6:45 pm and reached at the gate of Kamayani Kunj Apartment, two boys aged about 18-20 years came from behind and one of the boy grabbed



his neck and the other boy tried to snatch his mobile phone from his hand. When he resisted, both the boys started beating him and made him fall on the ground. Complainant succeeded in protecting his mobile phone from the boys and he threw it in the Kamayni Kunj Apartment. While the two boys were trying to snatch the mobile of the complainant, a third boy who was present and shouting '*Ajit stab him with knife, only then he will give his mobile*'. The boys who were trying to snatch the mobile, fled away on a scooty.

5. The injuries sustained by the complainant were noted as simple in nature; CCTV footage was checked and the incident was seen having been recorded. Counsel for the petitioner has shown the CCTV footage to the Court and states that identity of assailants is not clear since the frame in the footage shows it happening behind a tree.

6. Charge-sheet has been filed.

7. APP for the State opposes the bail application on the ground that TIP of the accused-petitioner was conducted and both accused were correctly identified by the complainant.

8. However, in view of the contention of counsel for petitioner and the fact that charge-sheet has been filed and that CCTV footage does not serve to easily identify petitioner, he has no previous involvements and has been in custody for almost 8 months now, petitioner is granted bail.

9. 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:

- i. Petitioner will not leave the country without prior permission of the Court.



- ii. 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.
 - iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
 - iv. Petitioner shall join investigation as and when called by the IO concerned.
 - v. 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.
 - vi. Petitioner will mark presence physically before the concerned I.O. every first and third Thursday of every month at 4 p.m., and will be not kept waiting for more than an hour.
 - vii. 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.
10. 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.
11. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
12. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.



13. Copy of order be given *dasti*.
14. Order be uploaded on the website of this Court.

ANISH DAYAL, J

OCTOBER 18, 2024/sm