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

+ **BAIL APPLN. 3315/2024**

AURTHUR JOHN @ LOVELY

.....Petitioner

Through: Mr. Haneef Mohammad and Mr. Anil
Vyas, Advocates.

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Amit Ahlawat, APP for the State
along with SI Roshan Lal, PS:
Sunlight Colony.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
04.12.2024

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1. This petition has been filed seeking regular bail in FIR 399/2023, registered at P.S Sunlight Colony, under Section 307 IPC.
2. As per the case of prosecution, on 31st October, 2023, pursuant to a PCR call, it came to know that somebody had been injured; they reached the place of incidence in Sun Light Colony and came to know that the injured Harish Kumar had been taken to hospital. Harish Kumar was unfit for statement.
3. On 01st November 2023, his father, Sh. Bhagwan Dass came to police station and gave his statement regarding incident. He stated that at about 5:00 PM on 31st October, 2023, there was an altercation between his son (Harish) and the petitioner, who lives in the same locality. The argument



was regarding a stolen mobile phone. The argument escalated and as per the father of the injured, petitioner went to his home and came back with a kitchen *knife* and attacked the injured Harish causing multiple injuries.

4. FIR was, subsequently, registered. CCTV footage was obtained and petitioner was arrested. *Knife*, as per prosecution, was recovered at the instance of petitioner.

5. MLC notes that injury is dangerous. It is stated that the injured remained in hospital for ten days and thereafter, he was discharged.

6. PW-1 has already been partly examined, and other witnesses are still to be examined.

7. Counsel for petitioner, however, states that petitioner's father has been diagnosed with cancer of the kidney. Counsel for petitioner has placed certain medical reports on record dated 25th September, 2024 which notes that there is a lesion in the right kidney with necrosis and indicates high complexity lesion.

8. In these circumstance, the Court had granted interim bail on 23rd October, 2024 on certain conditions.

9. Petitioner is present in Court and states that he has to take care of his father, who is going through advanced stages of cancer, and his surgery is scheduled for 21st December 2024. Same is also stated in the status report filed by State and handed up in Court. It is, however, stated in the status report that petitioner is living separately with his grandmother and not with his parents, which has also been stated by mother of the petitioner.

10. However, petitioner states that he has been staying with his grandmother since his birth, and he goes to take care of his father on a daily basis since his two other brothers are sixteen and twenty years old.



11. Injured victim is also present in the Court, and states that petitioner is his friend and there is no threat perceived from petitioner.

12. Charge sheet has already been filed and as per Nominal Roll, there is no previous involvement of the petitioner. Petitioner has also been incarcerated for about one year. Trial is yet to begin.

13. Considering the above circumstances and that the charge sheet has been filed, victim has already been examined, who is present in Court, states that he has no threat perception from petitioner, who is his friend, and that PW-1 has been partly examined (his examination has been differed for want of FSL report), has no threat perceptions from petitioner, and that there is no previous involvement of petitioner, and that the trial in the matter is likely to take some time, it would not be prudent to keep the petitioner behind bars for an indefinite period.

14. This Court finds it to be a fit case for grant of bail to the petitioner. 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. first Monday of every month at 4p.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.

15. 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.

16. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

17. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

18. Order *dasti*.

19. Order be uploaded on the website of this Court.

ANISH DAYAL, J

DECEMBER 4, 2024/ak/tk

[Click here to check corrigendum, if any](#)