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

+ **BAIL APPLN. 3317/2024**

PREM

.....Applicant

Through: Mr. Amarnath Singh, Adv.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Ajay Vikram Singh,
APP for the State with SI
Sardeep Singh, PS
Kashmere Gate.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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09.10.2024

CRL.M.A. 27688/2024 (exemption from filing certified copy of Annexure-F)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present application is filed seeking regular bail in FIR No. 347/2023 dated 04.06.2023, registered at Police Station Kashmere Gate, for offences under Sections 392/394/411 of the Indian Penal Code, 1860 (**IPC**).
4. The FIR was registered on a complaint given by one Mr. Suvodh, who alleged that on 03.06.2023, when he was going towards Salam Balak Trust, Kucha Mohattar Khan, Mori Gate, Delhi, one unknown person came and started demanding money and when the complainant refused, he took out a knife from his pocket and threatened the complainant to kill him and robbed

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him of his mobile phone.

5. It is alleged that the complainant followed him and then a Police official who was on patrolling duty apprehended the applicant and during interrogation, the mobile phone and the knife were recovered.

6. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present case.

7. He submits that the chargesheet has already been filed and the applicant is in custody since 04.06.2023.

8. He submits that the trial has not proceeded and the applicant also has to take care of his two minor children, a wife and a widow mother.

9. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened; etc. Period of incarceration is also a relevant factor to be kept in mind while considering an application for bail.

10. The applicant is in custody since 04.06.2023. The chargesheet has already been filed and the charges have also been framed.

11. The applicant is also stated to be of clean antecedents. Keeping him in further incarceration would only result in the denial of his fundamental right to life and personal liberty guaranteed under Article 21 of the Constitution of India, when



the trial is not likely to conclude in near future.

12. The object of jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment. However, appropriate conditions ought to be put to allay the apprehension of the applicant tampering with the evidence or evading the trial.

13. The applicant, in the opinion of this Court, is not required to be kept in custody any longer. The applicant is also stated to be belonging to a humble strata of society who has to take care of two minor children, a wife and a widow mother.

14. In view of the above, the applicant is directed to be released on bail on furnishing a bail bond for a sum of ₹20,000/- with one surety 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 under no circumstance leave the country without the permission of the learned Trial Court;
- c. The applicant shall appear before the learned Trial Court as and when directed;
- d. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;



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.

15. 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.

16. 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.

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

AMIT MAHAJAN, J

OCTOBER 9, 2024

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