



\$~68

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

+ **BAIL APPLN. 3378/2024**

**AKSHAY MITTAL**

.....Petitioner

Through: Mr. Arun Bali, Mr, J S Lamba,  
Ms. Arisha Ahmad, Mr. Tushar  
Mehta, Advocates

versus

**STATE OF NCT OF DELHI**

.....Respondent

Through: Mr. Amit Ahlawat, APP for State  
with Ms. Shehnaz Khan, Advocate  
for the State

**CORAM:**

**HON'BLE MR. JUSTICE ANISH DAYAL**

**ORDER**

**04.10.2024**

%

1. APP for the State has handed up status report in the Court today; same be placed on record of this Court.
2. This petition seeks bail in FIR No.466/2024 under Sections 117/110/3(5) BNS, P.S. Paschim Vihar. Petitioner is in custody since 31<sup>st</sup> July 2024. Charge-sheet has already been filed and as per nominal roll, he has no previous involvement.
3. Cross FIR 467/2024 under Sections 118 (1) and 3 (5) BNS was also registered at the behest of petitioner against the complainants. The issue arose out of an altercation between the complainants Kunal and Rohan on one hand and petitioner and co-accused Pankaj on the other hand, in the intervening night of 29<sup>th</sup> and 30<sup>th</sup> July 2024.
4. Initially they had an altercation on 28<sup>th</sup> July 2024, however, they had settled the matter.
5. On 29<sup>th</sup> July 2024 at about 9:30 pm, when complainant was returning



from his shop, Akshay and Pankaj asked him to meet and resolve the differences and when complainant reached shop of one Nikhil, where his friend Kunal was already present, it is alleged that Akshay took out a cricket bat from his scooty and hit Kunal on his head. Various other *inter se* physical assaults were reported by the parties.

6. It is noted in status report that petitioner hit the head of Kunal with cricket stick and after that Rohan took stick from Akshay. Then, Pankaj took stick from Rohan; Pankaj then hit on hand of Rohan with the stick. After that Rohan again took stick from Pankaj and threw the stick. In the meantime, Kunal took a vegetable knife from a nearby shop and stabbed petitioner 2-3 times. Rohan took iron stool from a nearby shop and hit Akshay on his forehead.

7. Counsel for petitioner points out that despite injuries were on both sides, complainants have not been arrested in FIR 467/2024, while petitioner was taken into custody despite having been assaulted by a knife.

8. Since charge-sheet has already been filed, there are cross allegations and FIRs, the issue arose out of an altercation, there is no reason for continuing his custody any further.

9. In view of the facts and circumstances, as noted above, petitioner is admitted to bail. 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 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. Order be uploaded on the website of this Court.

**ANISH DAYAL, J**

**OCTOBER 4, 2024/sm**