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

+ **BAIL APPLN. 3458/2024**
SHAHID

.....Petitioner

Through: Mr. Anil Basoya, Mr.
Rohit, Mr. Vijender KK &
Mr. Sumit Basoya, Advs.
Mr. Mujeeb Ur Rehman,
Adv. (through VC)

versus

STATE NCT OF DELHIRespondent

Through: Mr. Ajay Vikram Singh,
APP for the State
SI Akshay & SI Nishant,
PS- Shaheen Bagh
Mr. Mohd. Naved Mian,
Adv. for Complainant

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN
ORDER
08.10.2024

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1. The present application is filed seeking regular bail in FIR No. 133/2024 dated 28.04.2024, registered at Police Station Shaheen Bagh, for offence under Sections 307/34 of the Indian Penal Code, 1860.
2. It is the case of the prosecution that the accused persons, including the applicant, had thrashed the victim and inflicted multiple injuries on the victim. It is alleged that co-accused Asif Ahmad had attacked the victim with a knife and the co-accused Aman Saifi had also stabbed the victim.
3. The learned counsel for the applicant submits that even as per the case of the prosecution, stab injuries were caused by the co-accused Asif Ahmad and Aman Saifi.
4. He submits that the only allegation against the applicant is



that he had beaten up the victim with kicks and fists.

5. He further submits that the applicant has clean antecedents and is in incarceration since 28.04.2024. He submits that the chargesheet has already been filed and the applicant is no longer required for further investigation. He submits that no purpose will be served by subjecting the applicant to further incarceration

6. *Per contra*, the learned Additional Public Prosecutor for the State vehemently opposes the grant of any relief to the applicant. He submits that a specific role has been attributed to the applicant and the nature of the offence as alleged is heinous in nature.

7. He submits that co-accused Aman Saifi is absconding and proceeding under Section 82 of the Code of Criminal Procedure, 1973, has been initiated against him.

8. I have heard the learned counsel and perused the record.

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.

10. The status report indicates that the co-accused Asif Ahmad and Muqeen had taken the complainant/ victim to the place of incident where the co-accused Asif Ahmad took out a knife and attacked him. It is alleged that the applicant and co-accused Aman Saifi reached the parking area and gave beatings to the victim. It is alleged that co-accused Aman took the knife from co-accused Asif and stabbed the victim.



11. At this stage, it is not alleged that the applicant was the one who had stabbed the victim. Status report also indicates that the nature of injuries sustained by the victim were opined as “Simple Sharp”.

12. It is pointed out that the co-accused, Mohd. Arif has already been admitted on bail by the learned Court of Sessions by order dated 16.05.2024.

13. The applicant is in custody from last more than five months. Chargesheet has already been filed in the present case.

14. Admittedly, the applicant has clean antecedents and he has a wife and three minor children to be taken care of.

15. In such circumstances, the custody of the applicant is no longer required and the applicant has made out a *prima facie* case for grant of bail.

16. However, appropriate conditions ought to be put to allay the apprehension of tampering with the evidence and threatening the witness.

17. In view of the above, in the opinion of this Court, the applicant has made out a case for grant of bail and is directed to be released on bail on furnishing a personal bond for a sum of ₹25,000/- 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.

18. 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.

19. 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.

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

AMIT MAHAJAN, J

OCTOBER 8, 2024

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