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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3468/2024**

RAJU BHILWARI @ LANGDA @ HARI NARAYAN.....Petitioner
Through: **Mr. Manish Sangwan, Mr. Ramit**
Sehrawat and Mr. Ashwani Tehlan,
Advocates

versus

STATE(NCT OF DELHI)Respondent
Through: **Mr. Laksh Khanna, APP for State**
with Insp. Anju Dahiya, P.S. Punjabi
Bagh.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

14.10.2024

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1. By way of present bail application, the applicant/petitioner seeks regular bail in FIR No. 629/2018 registered under Sections 302/201/149/120B/34 IPC and Sections 25/27 of the Arms Act at P.S. Punjabi Bagh, Delhi.
2. Learned counsel for the applicant submits that although the applicant had earlier preferred a bail application however, the same was permitted to be withdrawn vide order dated 08.07.2024. He submits that subsequent thereto eight more witnesses have been examined. He further submits that the applicant was taken into the custody on 08.11.2018 and all the material witnesses have been examined since then, leaving only formal witnesses to be examined. He submits that trial will take a considerable time to conclude. Lastly, it is submitted that even after dismissal of previous regular bail application, the applicant was released on interim bail, a concession which he has not misused and surrendered in time.



3. *Per contra*, learned APP for the State, while opposing the present bail application, refers to the charge-sheet and states that as per the prosecution case, the applicant's complicity in the crime is supported by the CDR details, CCTV footage and FSL Report which indicates that the blood of the deceased was detected on the walking stick and scooty of the applicant. He further confirms that though 11 more witnesses are yet to be examined however, the same are formal in nature.

4. I have heard the learned counsels for the parties and gone through the material placed on record.

5. A nominal roll dated 09.10.2024 of the applicant is annexed with his medical report which is taken on record. The nominal roll indicates that the applicant has undergone incarceration of 3 years, 7 months and 11 days as on 08.10.2024. Relevant extract of Medical Status Report dated 08.10.2024 under the signatures of Medical Officer Incharge, Central Jail Dispensary, 8-9 Tihar, New Delhi – 110064 reads as under :-

“Inmate patient is a case of poliomyelitis and bilateral lower limbs weakness, is ambulating with the help of axiling crutches or with the help of sticks. The inmate patient is advised medications for weakness of bilateral lower limbs due to poliomyelitis and has been reviewed by jail visiting SR Orthopaedic and all prescribed medications has been provided to him.”

6. Even otherwise, the applicant has been released multiple times on interim bail, including on HPC guidelines and has always surrendered in time. I have also re-examined the merits of the case. Insofar as CCTV is concerned, the Trial Court has recorded that applicant's face as well as registration number of the scooty is not clearly visible. The applicant is



stated to be a local resident in the vicinity of the deceased. The Trial Court will be evaluating the evidence at the conclusion of trial. At this stage, considering that after dismissal of the earlier application, 8 more witnesses have been examined and also the fact that appellant was released on interim bail as well as taking into the account the medical report received from the Jail, it is directed that applicant be released on regular bail, subject to him furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned Court/Duty J.M. and subject to the following further conditions :-

- i) The applicant shall not leave the NCR without prior permission of the concerned Court.
- ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.
- iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
- iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
- v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.

7. The bail application is disposed of in the above terms.

8. Copy of the order be communicated to the concerned Jail Superintendent for information and necessary compliance.

9. Needless to state that the observations made hereinabove are only for the purpose of disposal of present bail application which shall not have a



bearing on the trial of the case.

OCTOBER 14, 2024/*ga*

MANOJ KUMAR OHRI, J