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

+ **BAIL APPLN. 3569/2024**

ABHISHEK

.....Petitioner

Through: Mr.Ajay Verma (Through VC),
Mr.Vineet Malhotra and Mr.Harish
Kumar, Advocates

versus

THE STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr.Pradeep Gahalot, APP for the
State alongwith SI Sachin Kumar,
P.S.-Amar Colony

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

08.11.2024

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1. The present application has been filed under Section 483(1) read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (earlier Section 493 read with Section 482 of the Code of Criminal Procedure, 1973) on behalf of the applicant seeking regular bail in FIR No.200/2021, dated 30.04.2021, registered at Police Station Amar Colony, Delhi for the offence punishable under Section 307/34 of the Indian Penal Code, 1860.
2. The prosecution's case begins with Rajiv, the son of Surrender, who gave a statement on 30.04.2021, at AIIMS Trauma Centre. This statement led to the registration of the current case. According to Rajiv, his brother Ajit had a quarrel with Abhishek's family, their neighbours, a few days before the incident.



3. On the morning of 29.04.2021, around 8:00 AM, Ajit was on his way to the public toilet, with Rajiv walking behind him. Suddenly, the members of Abhishek's family arrived and started scuffling and arguing with Ajit. As the commotion escalated, Rajiv saw that the accused, including Niraj, Gabbar, Umesh, Rinku, and Abhishek, were carrying sticks. Rajiv also noticed that Abhishek had a knife.
4. Learned counsel appearing on behalf of the applicant submitted that the applicant is in judicial custody since August, 2021. It is submitted that the injured has already been examined and the trial proceedings are going on.
5. *Per contra*, learned APP for the State opposed the bail application, stating that Abhishek was clearly seen in CCTV footage taking a knife from his pocket and stabbing the victim, Ajit. It was also mentioned that only 5 out of 16 witnesses have been examined so far.
6. During the arguments, the learned APP for the State presented a copy of the status report dated 04.11.2024 to the Court and the same is taken into record.
7. I have considered the submissions made by the learned counsel for both parties. The applicant has been in custody since 4th August 2021 and has no prior criminal record. The injured party has already been examined and the trial is ongoing.
8. In view of the facts and circumstances, the applicant is granted bail on the applicant furnishing a personal bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the concerned learned Trial Court and subject to the verification of his address and also subject to the following further conditions:



- a) the Petitioner shall cooperate in the investigation and appear before the Investigating Officer of the case as and when required;
- b) the Petitioner shall under no circumstances leave the country without prior permission of the Court concerned;
- c) the Petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- d) the Petitioner shall provide his/her mobile number(s) to the Investigating Officer and keep it operational at all times;
- e) In case of change of residential address and/or mobile number, the Petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.

9. With the above directions, the application is disposed of.

10. A copy of this order be sent to concerned Jail Superintendent for compliance.

DINESH KUMAR SHARMA, J

NOVEMBER 8, 2024

Dy/na..