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

+ BAIL APPLN. 3947/2024 & CRL. M.A. 32611/2024

SURAJ

.....Petitioner

Through: Mr. Aman Nandrajog, Mr. Sumeer
Sodhi and Ms. Sandali Sharma,
Advocates.

versus

STATE OF NCT DELHI

.....Respondent

Through: Mr. Shoaib Haider, APP for State
with SI Anil Kumar PS GTB Enclave,
Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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28.10.2024

1. By way of present bail application, the applicant/petitioner seeks regular bail in FIR No. 31/2024 registered under Sections 308/34/325 IPC at Police Station GTB Enclave, Delhi.
2. Mr. Aman Nandrajog, learned counsel appearing for the applicant submits that the applicant is in custody since 29.01.2024. He further submits that as per the allegations, the roles assigned to all the accused persons are similar. He also submits that the co-accused, *Shanker*, being similarly placed, has already been released on regular bail by the learned Trial Court vide order dated 15.04.2024. Furthermore, he states that the charge-sheet already stands filed and that the applicant is not involved in any other case.
3. The bail application is opposed by learned APP for the State, who submits that as per the case of the prosecution, the applicant alongwith others inflicted injuries on the person of the complainant *Tapan* as well as



on the person of one *Saurabh*. While the injuries on the person of *Saurabh* are opined to be grievous, the injuries on the person of the complainant, *Tapan* are simple in nature. He further states that the baseball bat used in the commission of the said offence has been recovered at the instance of the present applicant. He, however, on instructions submits that the applicant is not involved in any other case.

4. I have heard the learned counsel for the parties and perused the material placed before me.

5. The instant FIR has been lodged in the context of an incident which statedly occurred on 24.01.2024 when *Saurabh* got into an altercation with three/four persons. It is stated that while the complainant went to the rescue of his friend, he was also beaten with sticks and a baseball bat. Though the said baseball bat has been recovered, during the course of submissions, learned APP states, on instructions, that the same has not been sent to FSL.

5. Considering the totality of the facts and circumstances, including the fact that the applicant is in custody since 29.01.2024 and that the co-accused has already been released on bail and the further fact that the applicant is not involved in any other case, it is directed that the applicant be released on regular bail subject to his 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./Link 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.
- 6. The bail application is disposed of in the above terms.
 - 7. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.
 - 8. Copy of the order be uploaded on the website forthwith.
 - 9. Needless to state that this Court has not expressed any opinion on the merits of the case and have made the observations only with regard to the present bail applicant and nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

MANOJ KUMAR OHRI, J

OCTOBER 28, 2024/rd