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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3984/2024**

VIJAY KUMAR

.....Petitioner

Through: Mr. Ghanshyam Sharma and Mr.
Vikas Sharma, Advocates.

versus

STATE GOVT OF NCT DELHI

.....Respondent

Through: Mr. Laksh Khanna, APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

17.12.2024

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1. By way of present bail application, the applicant seeks regular bail in FIR No. 582/2022 registered under Sections 392/397/506/34/174A IPC at P.S. Patel Nagar, Delhi.

2. Learned counsel for the applicant submits that applicant is in custody since 03.10.2024 and the charge-sheet already stands filed.

On merits, it is stated that though the incident is alleged to have taken place on 14.07.2022 on an open street however, it was reported only on 21.07.2022 and the FIR came to be registered on 19.09.2022. It is submitted that even in his complaint or in the FIR, there is no allegation of use of any knife in commission of the offence. The said aspect was stated for first time three days later vide his supplementary statement recorded on 22.09.2022. It is further stated that the complainant has levelled similar allegations against the co-accused who has already been released on regular bail.



Insofar as the addition of Section 174A IPC is concerned, it is stated that the applicant was pursuing his legal remedies and had filed his bail applications before the Trial Court as well as this Court.

3. Bail application is vehemently opposed by Ld. APP for the State who submits that the applicant cannot seek parity with the co-accused qua whom there is no allegation of use of any knife. It is further submitted that applicant is involved as many as in 25 cases including one under Section 302 IPC.

4. At this stage, ld. counsel for the applicant submits that applicant's last involvement has been shown to be in the year 2020 and all the other involvements are prior to 2009. He, on instructions, submits that as of now there is no case pending against the applicant.

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

6. The present case pertains to the incident which is alleged to have taken place on 14.07.2022 wherein complainant has alleged that a sum of Rs.8,000/- was extorted from him. The complaint was made to the police station after 7 days of the incident in which there was no mention of the use of any knife. In the supplementary statement recorded after 3 days of registration of FIR, the complainant has for the first time alleged that the applicant had used a knife while robbing Rs.8,000/- from him. The FIR was initially registered under Sections 384/506/34 IPC and later Sections 392/397 IPC were added. Considering that there is no mention of any knife in the initial complaint which itself was made after a gap of 7 days from the date of the incident, it is directed that applicant be released on regular bail subject to him furnishing a personal bond in the sum of Rs.50,000/- with one



surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned Court/Duty Judicial Magistrate 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 and which shall not have a bearing on the trial of the case.

MANOJ KUMAR OHRI, J

DECEMBER 17, 2024

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