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

+ **BAIL APPLN. 4045/2024**

VISHAL

.....Petitioner

Through: Mr. S K Raj, Mr. Rajendra Jha, Ms.
Rupam Kumari & Ms. Diksha,
Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State
along with SI Tejpal, PS: OIA.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

06.12.2024

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1. This petition has been filed seeking regular bail in FIR No 0691/2024 registered at P.S. Okhla Industrial Area, under Sections 126(2)/110/3(5) BNS 2023.
2. Case of the prosecution is based upon a complaint received on 12th September 2024, through a PCR call regarding an assault on one Abdul Hasan who was a resident of Jhuggi B-245 Gola Kuan, Tehkhand Gaon, Okhla Phase-I, New Delhi.
3. As per status report, two injuries were noted – a cut injury on the head and a cut injury on the left hand (index and middle fingers).
4. MLC, which has been presented before the Court, notes that the injuries are simple and sharp, confirming that the injuries were caused by a sharp object.



5. Allegation was made against one Shahabuddin, who was the tenant on the first floor and had been asked to vacate the jhuggi. Complainant stated that when he was sitting on the stairs, Shahabuddin began to abuse him and later two or three more boys arrived. One of the boys, whose name he did not know, hit him on the head with a wooden cot leg, and another boy attacked him with the knife where he got injured on the hand.
6. On this basis, FIR was registered and an investigation ensued. No CCTV footage was useful since the camera does not cover the location of the incident. Subsequently, a wooden leg lying near an electric pole was seized at the behest of the complainant. CDR and location charts show the presence of the accused at the crime scene of the incident.
7. Counsel for petitioner points out that there is a prior history of disputes between the parties, considering the issue of tenancy. There are also allegations made by the accused against the complainant, and subsequent to this FIR being registered, another FIR was registered FIR No.692/2024, on the complaint of the wife of the petitioner alleging that complainant had misbehaved with his wife.
8. Aside from this, he states that he has been falsely implicated in the matter since he had gone to ensure that his wife was secure in the altercation which has occurred.
9. Charge sheet has already been filed. Petitioner's father Shahabuddin has not been traceable. Petitioner and his wife have already vacated the said property.
10. As per Nominal Roll, there is no previous involvement of the petitioner, his Jail conduct has been satisfactory. Charges have not yet been framed.



11. In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the petitioner behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioner. Consequently, the petitioner is directed to be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioner will not leave the country without prior permission of the Court.
- ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- iv. Petitioner shall join investigation as and when called by the IO concerned.
- v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.
- vi. Petitioner will mark presence physically before the concerned I.O. every first Thursday of every month at 4 p.m., and will be not kept waiting for more than an hour.
- vii. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the



complainant/victim's family or tamper with the evidence of the case.

12. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.

13. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

14. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

15. Order *dasti*.

16. Order be uploaded on the website of this Court.

ANISH DAYAL, J

DECEMBER 6, 2024/ak/tk