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

+ BAIL APPLN. 4050/2024

KUNDAN

.....Applicant

Through: Mr. Ravinder Kumar &
Mr. Santosh Dixit,
Advocates.

versus

THE STATE (GOVT. OF NCT OF DELHI)Respondent

Through: Mr. Naresh Kumar
Chahar, APP for the State.
SI Nitin Kumar (P.S.
Harsh Vihar).

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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07.11.2024

**CRL.M.A. 33403/2024 (exemption from filing certified copies of
the annexures)**

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

BAIL APPLN. 4050/2024

3. The present application is filed seeking regular bail in FIR No. 342/2024 dated 02.08.2024, registered at Police Station Harsh Vihar, for offences under Sections 118(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

4. The FIR was registered on an allegation that the complainant was standing on the gate of his house, when his neighbours, that are, the applicant, his brother and his father, started misbehaving with the complainant that allegedly led to a scuffle.

5. It is alleged that the applicant hit the complainant with a sharp object and the other co-accused persons gave beatings to



the complainant which led to injuries which are stated to be simple in nature.

6. The bail application filed by the applicant was dismissed noting that the father and the brother of the applicant were harassing the complainant and his family despite the fact that the applicant is undergoing judicial custody. It was noted that such conduct of the co-accused reflected no respect for the criminal justice machinery.

7. Undisputedly, the chargesheet has already been filed in the present case and the applicant is in custody since 02.08.2024. The applicant, therefore, is no longer required for any further investigation. In regard to the conduct of the co-accused persons, it is pointed out that a separate FIR has already been registered against them.

8. The State is at liberty to take all actions against the co-accused persons in accordance with law.

9. The same, however, in the opinion of this Court, cannot be a ground for denying the bail to the applicant. The applicant cannot be held responsible for the conduct of the co-accused persons when he is admittedly in custody.

10. In view of the above, in the opinion of this Court, the applicant has made out a case for grant of bail and is directed to be released on bail on furnishing a personal bond for a sum of ₹25,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or



tamper with the evidence of the case, in any manner whatsoever;

- b. The applicant shall under no circumstance leave the country without the permission of the learned Trial Court;
- c. The applicant shall appear before the learned Trial Court as and when directed;
- d. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- e. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

11. In the event of there being any FIR/DD entry / complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

12. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

13. The bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

NOVEMBER 7, 2024

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