



\$~6

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4387/2024**

DEV DEDHA

.....Petitioner

Through: **Mr. Gaurav Kochar with Dollar Jain**
Advocates

versus

THE STATE (GOVT OF NCT OF DELHI AND
ANR

.....Respondents

Through: **Mr. Laksh Khanna, APP for State**
along with W/SI Sangam Vihar.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

20.12.2024

%

1. The present petition has been filed seeking regular bail in FIR No. 17/2024 registered under Sections 307/376/313/34 IPC at Police Station Mayur Vihar Phase-1, Delhi.
2. Learned counsel for the applicant submits that the applicant has been in custody since 10.07.2024. He further submits that though the allegations of Section 376 IPC are against the co-accused, the present applicant has been chargesheeted only under Sections 307/34 IPC. He further submits that prosecutrix's first statement was recorded after an undue delay of 100 days on 20.04.2024, wherein she stated that on 10.01.2024, while it was the co-accused who accosted the victim to her home, the applicant met on the way. It is stated that the applicant is not seen in the CCTV footage and even his location is not at the spot as per CDR details collected during investigation.



It is further submitted that though the injuries are stated to be grievous, the ingredients of Section 307 IPC are not made out as it is nowhere stated that the injuries were caused with the intention to kill. Lastly, it is stated that the applicant was granted interim protection by this court during pendency of his anticipatory bail application, which concession he did not misuse and also joined investigation. On dismissal of the said application, he duly surrendered.

3. The present bail application is opposed by learned APP for State who submits that the applicant alongwith the co-accused, initially tied the victim's hands with rope and gave her beatings, as a result of which her two teeth were broken and she also received injuries on her hand, feet and head. Learned APP, on instructions, submits that the applicant is not involved in any other case. She further submits that on account of her medical treatment, the statement of the prosecutrix was recorded first time on 20.04.2024. It is also stated that Sections 307/34 IPC has been invoked, keeping in view the overall nature of injuries sustained by the victim.

4. I have heard learned counsel for the parties.

5. Insofar as the present applicant is concerned, the charge-sheet has been filed only for the offence punishable U/s 307/34 IPC. As noted above, the present applicant's role comes only for the incident dated 10.01.2024 in which the victim stated that while she was on her way home, she was followed by the co-accused, *Yogesh* and when she reached near the fire station, the present applicant joined them. The applicant alongwith co-accused inflicted injuries on the injured. She, on instructions, further state that the charge is yet to be framed.

6. In view of the chargesheet the trial court would be better positioned to



evaluate the contentions raised by both the parties regarding the ingredients of Section 307 IPC. The victim has stated that muffler was put on her face and she could not see as to what she was hit with. However, at this stage, considering the totality of facts and circumstances of the case as well as considering the period of custody of the applicant, 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.
7. The bail application is disposed of in the above terms.
 8. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.
 9. Copy of the order be uploaded on the website forthwith.



10. Needless to state that 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.

DASTI

MANOJ KUMAR OHRI, J

DECEMBER 20, 2024/ssc