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

+ **BAIL APPLN. 4510/2024**

VISHWAS RAJ@ VIMCY

.....Petitioner

Through: **Mr. Gajraj Singh & Ms. Sakshi Sachdeva, Advocates.**

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: **Mr. Tarang Srivastava, APP for the State.**

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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06.12.2024

CRL.M.A. 36899/2024 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

BAIL APPLN. 4510/2024

The matter has been received by way of supplementary listing.

2. By way of the present petition filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks interim bail in case FIR No. 0349/2024 dated 11.05.2024 registered under sections 323/302/34 of the Indian Penal Code, 1860 at P.S.: Bharat Nagar, Delhi on the ground that he has to appear for his B.A.,LL.B. Examinations to be held at the Vivekanand Institute of Professional Studies (VIPS), New Delhi on 09.12.2024, 11.12.2024, 13.12.2024 and 16.12.2024. A copy of the date-sheet for the B.A.,LL.B. examinations has been appended to the petition, which shows that the examinations are scheduled between 06.12.2024 and 04.01.2025.



3. Ms. Sakshi Sachdeva, learned counsel appearing for the petitioner submits, that as recorded in order dated 05.12.2024 by the learned Sessions Court, Rohini District Courts, Delhi, the date-sheet already stands verified and though the petitioner has already missed the examination conducted today *i.e.*, 06.12.2024, he must appear for the remaining examinations, failing which he will not qualify for promotion to the next semester.
4. Upon being queried, learned counsel submits, that the petitioner can make-up for the examination that he has missed on 06.12.2024 *i.e.*, today, by appearing for the same paper in the next semester.
5. Ms. Sachdeva also submits, that the petitioner has been granted interim bail on several previous occasions; he has never abused the liberty granted; and has always surrendered back to custody in time. In this regard, counsel relies on orders dated 24.05.2024, 23.09.2024, 05.10.2024 and 25.10.2024 passed by the learned Sessions Court.
6. Learned counsel also points-out that on each occasion, the interim bail was sought only for the purpose of appearing for examinations at college.
7. Furthermore, Ms. Sachdeva submits, that the *only* allegation against the petitioner in the subject FIR is that he held the hand of the deceased, when the latter was allegedly attacked with a knife and a cricket-bat by the other co-accused persons.
8. Issue notice.
9. Mr. Tarang Srivastava, learned APP appears for the State on advance copy; accepts notice; and considering the urgency expressed in the matter, leaves it to the court to pass appropriate orders.



10. Upon an overall conspectus of the circumstances obtaining in the matter, and since the fact that the petitioner is a *bona-fide* student of VIPS, New Delhi as well as the schedule of examinations as per the date sheet appended, already stand verified; and also, since the record shows that the petitioner has not abused the liberty granted by way interim bail on previous occasions, this court is persuaded to grant to the petitioner – ***Vishwas Raj @ Vimcy s/o Manoj Raj*** – *interim bail from the date of his release upto 18.12.2024* with a direction that he will surrender back to custody on or before 18.12.2024, subject to the following conditions :

- 10.1. The petitioner shall furnish a personal bond in the sum of Rs. 25,000/- (Rs. Twenty-five Thousand only) with 02 sureties in the like amount from family members, to the satisfaction of the concerned Jail Superintendent;
- 10.2. The petitioner shall not leave the State of Delhi without permission of the court and shall *ordinarily* reside at the address as per prison records;
- 10.3. The petitioner shall furnish to the Investigating Officer and S.H.O., P.S.: Bharat Nagar, Delhi a cell-phone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
- 10.4. If the petitioner has a passport, he shall surrender the same to the Jail Superintendent and shall not travel out of the country without prior permission of this court;



- 10.5. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial; and
- 10.6. Upon expiry of the period of interim bail, the petitioner shall surrender before the concerned Jail Superintendent *forthwith*.
11. Since the petitioner has been admitted to interim bail only for purposes of appearing for his semester examinations, it is not considered necessary to impose a reporting requirement as a condition of interim bail.
12. Furthermore, as requested by learned counsel for the petitioner, in view of the circumstances in which the petitioner is currently placed, VIPS, New Delhi is directed to issue to the petitioner an admit card for the ensuing examinations as referred to above, to enable him to appear for the examinations.
13. The petition is disposed-of in the above terms.
14. Let a copy of this order be sent to the Jail Superintendent *forthwith* for information and compliance.
15. A copy of this order be given *dasti* under the signatures of the Court Master.

ANUP JAIRAM BHAMBHANI, J

DECEMBER 6, 2024

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