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

+ **BAIL APPLN. 324/2025**

AMIT MADAAN @ RAJU

.....Petitioner

Through: Mr. Gaurav Kochar and Mr. Dollar
Jain, Advs.

versus

THE STATE (GOVT OF NCT OF DELHI)

.....Respondent

Through: Mr. Aman Usman, APP for State with
Insp. Neeraj Kumar, P.S. Shahdara,
Delhi.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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07.02.2025

1. The present petition has been filed seeking regular bail in connection with FIR No.371/2024 under Section 105(2)/238(A) BNS, 2023 registered at P.S. Shahdara, Delhi.
2. The learned counsel appearing on behalf of the petitioner invites attention of the court to the opinion of the doctor on the cause of death, which reads as under:

“Cause of death :- Cardiogenic shock consequent upon Sudden Exacerbation of Coronary artery disease and its complications. Injury no. 01 is caused by blunt force and is not sufficient to cause death in ordinary course of nature. However, the possibility of sudden exacerbation/precipitation by injury no.01 cannot be ruled out. However, viscera is preserved to rule out any associated intoxication.”



3. The learned counsel for the petitioner submits that the doctor has clearly opined that the cause of death is '*cardiogenic shock consequent upon Sudden Exacerbation of Coronary artery disease and its complications*'. It is further opined by the doctor that '*injury no.01 is caused by blunt force and is not sufficient to cause death in ordinary course of nature*'. The doctor has also opined that '*however, the possibility of sudden exacerbation/precipitation by injury no.01 cannot be ruled out*'.
4. The learned counsel for the petitioner submits that the fact that the petitioner was suffering from coronary artery disease was not known to the present petitioner.
5. He submits that insofar as the injury which has been attributed to the present petitioner is concerned, the same has not been found to be sufficient to cause death in ordinary course of nature.
6. In support of his submission, the learned counsel has placed reliance on the decision of this court in **Robin Singh v. State (N.C.T. of Delhi), 118 (2005) DLT 168**, the relevant part of which reads as under:

"4. In view of this opinion of the board of doctors, the learned counsel for the petitioner submitted that the external injuries, which were six in number, were not sufficient to cause death in ordinary circumstances. Furthermore, the reason why the deceased Sushil Kumar died was because he had a bad heart condition. 90% of his coronary artery was blocked and he had suffered an earlier heart attack. These facts were unknown to the accused. In other words, it is the contention of the learned counsel or the petitioner that had the medical condition of the deceased not been such, in the opinion of the board of doctors, the external injuries found on his body were not sufficient to cause death in ordinary circumstances. Therefore, it cannot be a case falling u/s 302 of the I.P.C.

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10. *In view of the facts and circumstances and the arguments of the learned counsel for the parties, it appears that, prima facie, at best all accused could be said to have had a common intention to cause beating to the deceased Sushil Kumar. Furthermore, at least at this stage, prima facie, the offence u/s 302 does not appear to have been made out. Thus, even if there was a common intention u/s 34 of the IPC, it was to cause beating and not to cause the death of Sushil Kumar. This is so because as per the opinion of the Board of Doctors, death of Sushil Kumar appears to have been caused by myocardial infarction and not on account of the external injuries in the ordinary course of circumstances.”*

7. *Per contra*, the learned APP appearing on behalf of the State has argued on the lines of status report. He has pointed out that the doctor concerned has not ruled out the possibility of sudden exacerbation/precipitation by the injury no.01.

8. I have heard the learned counsel for the petitioner, as well as, the learned APP for the State and perused the record.

9. It is the case of the prosecution itself that the present petitioner had hit the deceased only with *danda* and the injury in question has also not been opined by the Doctor to be sufficient to cause death in ordinary course of nature.

10. The cause of death as borne out from the post-mortem report is ‘*cardiogenic shock consequent upon Sudden Exacerbation of Coronary artery disease and its complications*’. It is not the case of the prosecutor that the petitioner was aware about deceased’s said medical condition.

11. In similar circumstances, this court in **Robin Singh** (*supra*) has opined that the petitioner therein was not aware of the ailment which the deceased was suffering from, therefore, no intention to cause death could be



attributed. It was further observed that the common intention which could be attributed to the petitioner therein was an intention to cause beating to the deceased. The analogy of the said decision squarely applies to the present case.

12. It is also not the case of the prosecution that the petitioner has any criminal antecedents nor it is the case in the status report that the petitioner is a flight risk.

13. Considering the aforesaid circumstances in entirety, this court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is admitted to regular bail subject to his furnishing a Personal Bond in the sum of Rs.20,000/- and one Surety Bond of the like amount to the satisfaction of the learned Trial Court/JMFC/CMM/Duty Magistrate, further subject to the following conditions:

- (a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- (b) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
- (c) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses directly or indirectly.

14. The petition stands disposed of.

15. It is clarified that the observations made herein above are only for the limited purpose of deciding the present bail application and the same shall



not be construed as an expression of opinion on the merits of the case.

16. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.
17. Order *dasti* under signatures of the Court Master.
18. Order be uploaded on the website of this Court.

FEBRUARY 7, 2025

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VIKAS MAHAJAN, J