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

+ **BAIL APPLN. 1140/2025**

SHIVAM @ TINNI

.....Petitioner

Through: Ms. Malvika Kulkarni, Adv.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for the
State and Ms. Mansi Sharma, Adv.
SI Ramvatar, PS Vasant Vihar.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

25.04.2025

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1. This hearing has been done through hybrid mode.
2. The present application under Section 439 read with Section 482 of the Cr.P.C (analogous to Section 528 of the BNSS) seeks regular bail in case FIR No. 258/2023, under Sections 392/394/397/411/34 of the IPC, registered at P.S. Vasant Vihar.
3. The case of the prosecution is that on 03.10.2023, at about 11:06 P.M., in the forest behind Kusumpur Pahari, the applicant-Shivam @ Tinni along with co-accused Kunal, CCL 'A', and one unknown boy robbed the complainant of his purse containing Rs. 150/-, a mobile phone and the photocopies of his PAN Card and Aadhaar Card and caused him grievous injuries through belt, fist and kick blows. After the investigation was complete, the chargesheet in the present case stands filed and the trial is presently is at the stage of prosecution evidence.



4. Learned counsel appearing on behalf of the applicant submits that the other two co-accused persons, namely, Kunal @ Kunnu @ Kaushik and Suraj @ Faddu have already been granted bail by the learned Trial Court. It is pointed out that the complainant and all public witnesses have been examined and only the formal witnesses are yet to be examined. It is further pointed out that the applicant is not involved in any other previous offences and has been in custody since 09.02.2024.

5. *Per contra*, learned APP appearing on behalf of the State submits that the offence is serious in nature and the present applicant was arrested after proceedings were initiated under Section 82 of the Cr.P.C. and the complainant had identified the applicant in the TIP as well as in the Trial Court during the examination.

6. Admittedly, the prosecution evidence with regard to the complainant as well as to the public witnesses is complete, and the other co-accused persons have also been granted bail during the trial. The applicant is in custody since 09.02.2024, and the nominal roll dated 16.04.2025 reflects that the applicant is involved in one other FIR bearing No. 99/2022 registered at P.S. Vasant Vihar under Sections 323/341/34 of the IPC, in which he is on bail.

7. In totality of the facts and circumstances, the present application is allowed. The applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 15,000/- with one surety of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions:

- i. The applicant shall not leave India without prior permission of the learned Trial Court.
- ii. The applicant shall intimate the learned Trial Court by way of an



affidavit and to the Investigating Officer regarding any change in residential address.

- iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- iv. The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
- v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
8. The application is allowed and disposed of accordingly.
9. Pending application(s), if any, also stands disposed of.
10. Needless to state, nothing mentioned hereinabove is an opinion on the merits of the case and any observations made are only for the purpose of the present bail application.
11. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
12. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

APRIL 25, 2025/kr/sc

Click here to check corrigendum, if any