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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1217/2025**

VIKASH MAURYAApplicant
Through: Mr. Rabindra Singh,
Mr. Dileep Kumar
Suryavanshi & Ms. Soni
Singh, Advocates

versus

STATE (NCT OF DELHI)Respondent
Through: Mr. Sunil Kumar Gautam,
APP for the State with SI
Balbir, PS Sarai Rohilla.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

% **ORDER**
23.05.2025

1. The present application is filed seeking regular bail in FIR No. 541/2024 dated 03.10.2024, registered at Police Station Sarai Rohilla for offences under Sections 115(2)/118(1)/126(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023.
2. The FIR was registered on a complaint given by the victim – Rajinder Kumar. It is alleged that on 29.09.2024 at about 9:30 PM when the applicant was coming back to his room, and was parking his motorcycle, accused Subham who was present at the spot started hurling abuses on the victim. It is alleged that when the victim attempted to resist, the applicant and other accused persons gave beatings to the victim and caused serious injuries to him. It is alleged that the accused Shubham also inflicted stab injuries to the victim.
3. The learned counsel for the applicant submits that the



applicant is innocent and has been falsely implicated in the present case. He submits that the applicant has clean past antecedents. He submits that the chargesheet has already been filed in the present case, and the investigation is complete. He submits that the co-accused Guddu has already been admitted on bail by the learned Trial Court by order dated 05.12.2024 and prays that the applicant be admitted on bail on the ground of parity.

4. *Per contra*, the learned Additional Public Prosecutor for the State vehemently opposes the grant of any relief to the applicant. He submits that accused persons in connivance with each other gave beatings to the victim. He submits that the weapon of offence which was used by accused Shubham to inflict stab injuries on the victim was brought by the applicant. He consequently submits that the present application be dismissed.

5. I have heard the counsels for the parties and perused the material on record.

6. It is the case of the prosecution that the applicant alongwith other co-accused persons gave beatings to the victim. Further, accused Shubham inflicted stab injuries on the victim. It is not the case of the prosecution that the applicant has caused any stab injuries to the victim.

7. The applicant was arrested on 18.10.2024 and is in custody since then. The chargesheet has already been filed in the present case. The applicant is stated to be responsible for maintaining his family which includes three children, his wife and his widow mother. The applicant is also stated to have clean antecedents.

8. The object of Jail is to secure the appearance of the accused during the trial. The object is neither punitive nor



preventive and the deprivation of liberty has been considered as a punishment. The applicant cannot be made to spend the entire period of trial in custody specially when the trial is likely to take considerable time.

9. It is pertinent to note that the co-accused Guddu has already been admitted on bail by the learned JMFC by an order dated 05.12.2024. The learned JMFC noted that the recovery has already been made in the matter and the co-accused Guddu is not reported to have any previous involvement.

10. In view of the above, the applicant is directed to be released on bail on furnishing a personal bond for a sum of ₹20,000/- 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 contact the victim and his family members in any manner whatsoever.
- b. 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;
- c. The applicant shall under no circumstance leave the country without the permission of the learned Trial Court;
- d. The applicant shall appear before the learned Trial Court on every date of hearing, unless his appearance is exempted;
- e. 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;
- f. 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 present bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

MAY 23, 2025
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