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

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+ **BAIL APPLN. 1333/2025**

SATENDRA KUMAR YADAV

.....Applicant

Through: Mr. Ravindra Narayan,
Mr. Madhav Narayan, Mr.
Shamim and Ms. Zeba,
Advocates.

versus

STATE OF N.C.T. OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP
for the State with SI Ali
Akram, PS Wazirabad.
Mr. Sunny Sachdeva,
Advocate for complainant.

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+ **BAIL APPLN. 1342/2025**

JITENDRA KUMAR YADAV

THROUGH PAIROKAR

..... Applicant

Through: Mr. Ravindra Narayan,
Mr. Madhav Narayan, Mr.
Shamim and Ms. Zeba,
Advocates.

versus

STATE OF N.C.T. OF DELHI

THROUGH SHO PS WAZIRABAD

.....Respondent

Through: Ms. Richa Dhawan, APP
for the State with SI Ali
Akram, PS Wazirabad.
Mr. Sunny Sachdeva,
Advocate for complainant.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

21.05.2025

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1. The present bail applications are filed by the applicants



seeking regular bail in FIR No. 695/2024 dated 12.10.2024, registered at Police Station Wazirabad, Delhi for the offences under Sections 109(1)/127(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS').

2. The present FIR was registered pursuant to a PCR call regarding a quarrel. It was found that the victims were physically assaulted by 8-9 unknown persons. The status report indicates that a cross FIR No 697/ 2024 has been registered under Sections 115(2)/74/351(2)/79/3(5) of the BNS.

3. The MLCs of the victims indicate that multiple injuries have been sustained by them.

4. On perusal of FIR No. 695/2024 as well as FIR No 697/ 2024, it appears that the scuffle took place in spur of the moment and multiple people were involved in causing injuries to the victims. The applicants being two of them. It is pointed out that a cross FIR is also registered on a complaint given by accused persons since they also received certain injuries.

5. The applicants were arrested on 13.10.2024 and are in custody since then.

6. Undisputedly, the applicants have already spent substantial period of time in custody. The investigation against them is completed and chargesheet has been filed, there is no chance of the accused absconding or fleeing, if released on bail. Moreover, the same can also be taken care of by putting appropriate conditions.

7. The Hon'ble Apex Court, in the case of *Sanjay Chandra v. CBI : (2012) 1 SCC 40*, held that pre-trial deprivation of liberty is in the form of a punishment unless the same is required necessarily to ensure that an accused will appear before the Court



as and when required. The Hon'ble Court saw no reason to detain the accused after completion of investigation and filing of chargesheet in the matter.

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. The applicants are real brothers and are stated to have clean antecedents. The applicant- Jitendra Kumar Yadav has two minor sons.

10. Apprehension has been raised about the witnesses being threatened, however, the same can be prevented by putting appropriate conditions.

11. In view of the above, the applicants are directed to be released on furnishing a personal bond for a sum of ₹20,000/-, each, with two sureties of the like amount, subject to the satisfaction of the concerned learned Trial Court/Jail Superintendent and on the following conditions:

- a. The applicants 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;
- b. The applicants shall provide the address where they would be residing after their release and shall not change the address without informing the concerned IO/ SHO;
- c. The applicants shall not reside within 5 kms. radius of the locality where the complainant/victims/eye



witnesses reside(s);

d. The applicants shall under no circumstance leave the country without the permission of the learned Trial Court;

e. The applicants shall appear before the learned Trial Court on every date of hearing, unless their appearances are exempted;

f. The applicants shall, upon their release, give their mobile numbers to the concerned IO/SHO and shall keep their mobile phones switched on at all times.

12. In the event of there being any FIR/DD entry / complaint lodged against the applicants, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

13. 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.

14. The present bail applications are allowed in the aforementioned terms.

15. A copy of this order be placed in both the matters.

AMIT MAHAJAN, J

MAY 21, 2025

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