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

+ **BAIL APPLN. 1361/2025**

DHEERU DAS ALIAS AMBANIPetitioner

Through: **Ms. Sangita Gaur, Advocate**

Versus

THE STATE NCT OF DELHIRespondent

Through: **Mr. Yudhvir Singh Chauhan, APP for
the State with SI Ajay Chouhan, P.S.
Kalindi Kunj**

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% 16.05.2025

1. First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the Applicant-Dheeru Das @ Ambani seeking Bail in FIR No. 0301/2024, P.S. Kalindi Kunj under Sections 109(1)/324(3)/332(C)/3(5)/191(2)/191(3)/238 of Bharatiya Nyaya Sanhita, 2023. The first Bail Application has been dismissed by the learned Sessions Judge on 28.02.2025.

2. The **brief facts** are that on 23.08.2024, the aforesaid FIR was registered on the statement of father of the injured about his son having been stabbed and beaten by three named accused and there accomplices. The Applicant was arrested on 26.08.2024 and is in judicial custody since then. There is no eye-witness in the charge-sheet and no witness has named the applicant. There is nothing incriminating recovered from the possession of the applicant. There is no evidence that he attacked the house of the



Complainant. In fact, Complainant and his mother themselves, have not given the name of the Applicant in their respective statement that he was the one who attacked the Complainant. The CCTV footage report shows that the Applicant standing in the street does not prove that he had thrown a stone at the Complainant. He has no previous record. He is the sole bread earner of the family and undertakes to abide by any terms that may be imposed by granting Bail. The Chargesheet has already been filed in the Court.

3. A prayer is made that he be admitted to bail.

4. **Status Report** has been filed on behalf of the State wherein it is submitted that the injured Aman has suffered six stab injuries. He was found unfit for statement on 24.08.2024 and 25.08.2024. The statement of the mother of the injured has been recorded wherein she named the Applicant alongwith other co-accused, who have attacked her son. The specific role assigned to the Applicant was that he was seen in the CCTV footage with stones in his hand. He had hit the injured with the stones on his face.

5. The Bail is opposed on the ground that there is old rivalry between the Complainant and the Applicant. They are residing in the same locality and there is a strong possibility that if the Applicant is admitted to Bail, it would reignite the disputes, which may lead to disturbance of peace and harmony in the area. The Applicant is clearly visible in an aggressive mode in the CCTV footage. The brother of the Applicant is also in judicial custody. There is a likelihood that he may jump in.

6. Hence, the Bail Application is opposed.

7. *The learned Counsel for the Applicant has submitted* that it is a small colony where the incident has occurred. The Applicant though visible in CCTV footage, was only standing when the incident happened. There was



no *prima facie* evidence to show that he had thrown stones on the injured rather while running, there is a possibility of injured having fallen and suffered the injuries on his face. The Applicant is a young boy of 20 years. The FIR has been registered in the name of three co-accused on the statement of the father and there is no incriminating evidence against the Applicant. There is no eye-witness who has named the Applicant. The Applicant is resident of the same colony and has been falsely implicated in this case.

8. The *learned Additional Public Prosecutor* has referred to the Discharge Summary of the Applicant, which shows multiple injuries and fractures on the face to corroborate that he had been hit with the bricks on the face by the Applicant and other co-accused. It is submitted that considering the nature of injuries, the bail be not granted.

9. **Submissions heard and record perused.**

10. There are specific averments of Applicant having thrown bricks on victim, which has resulted in serious multiple fractures of face. The other co-accused has stabbed him and there are six stab injuries on various parts of the body. They are all residents of same colony.

11. Considering the gravity of allegations and that the matter is pending for the statement of the injured, which has been deferred on the previous date before the learned Trial Court, no case is made out for grant of Bail at this stage.

12. The Bail Application is dismissed.

NEENA BANSAL KRISHNA, J

MAY 16, 2025

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