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

+ BAIL APPLN. 3597/2024

MOHIT KUMAR @ MOTI

.....Petitioner

Through: Mr. Mukesh Kalia, Ms. Kanika Vohra
and Mr. Amit Singh, Advs.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Aman Usman, APP for State with
S.I. Naveen Kumar, P.S. Keshav
Puram, Delhi.
Mr. Hirein Sharma, Standing Counsel
for MCD along with complainant.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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17.01.2025

1. The present petition has been filed under Section 483 BNSS, 2023 seeking regular bail in connection with FIR No.0134/2024 under Sections 147/148/149/186/353/332/307/120B/34 IPC registered at P.S. Keshav Puram, Delhi.
2. The case of the prosecution is that the complainant Dr. Dinesh Sharma, Deputy Director, Veterinary Department filed a complaint before the concerned Police Station alleging that he had gone to Tri Nagar area, Delhi along with his team and government vehicle to remove stray cattle and illegal dairy. He along with his staff and police officials wanted to check the seal which was affixed on the gate of the illegal dairies being run at Tri



Nagar, Delhi. However, the illegal dairy owners namely, (i) Mahavir Singh, (ii) Rakesh, (iii) Raju, (iv) Mohit Kumar @ Moti, (v) Sanjay Kumar, (vi) Suresh Kumar and (vii) Kunal Yadav @ Golu along with some other persons were present there with sticks and cow tying ropes in their hand. It is alleged that when the complainant started to check the seal, one boy namely Mohit Kumar @ Moti (petitioner herein) pointed towards the complainant and exhorted the crowd to teach him a lesson.

3. It is further alleged that the present petitioner i.e. Mohit Kumar @ Moti and other persons started abusing the complainant and 20-25 persons gathered there. They started beating the raiding team, complainant, as well as, police staff. It is further alleged that at that time, the present petitioner along with one of the co-accused put a rope in the complainant's neck and tried to kill him as well as the police staff.

4. The learned counsel appearing on behalf of the petitioner submits that as per the MLC report, the injury suffered by the complainant is simple in nature. He further submits that the petitioner is in custody since 29.04.2024 and has been incarcerated for a period of almost eight months. He submits that chargesheet has been filed and all other co-accused have already been granted regular bail/anticipatory bail in the present case FIR.

5. He further submits that the petitioner was granted interim bail for 15 days and he did not misuse the same. He, therefore, urges the court that the present petitioner may be enlarged on bail.

6. *Per contra*, the learned APP has argued on the lines of status report. He submits that the complainant is a government official and the offence committed by the present petitioner is serious in nature. He submits that the victim has not yet been examined in the present matter, therefore, there is



every apprehension that in the event the petitioner is enlarged on bail, he may try to threaten or influence the victim. He further submits that as the offence is serious in nature and it attracts the punishment for life. He further submits that since the complainant is a government official, grant of bail to the present petitioner will send a wrong message.

7. I have heard the learned counsel appearing on behalf of the petitioner, as well as, the learned APP for the State and perused the record.

8. On a query posed by the court, the learned APP, on instructions from the IO, who is present in court, fairly states that MLC reveals that the injuries suffered by the complainant were simple in nature. It is also not in dispute that the petitioner was enlarged for a period of 15 days on interim bail and he did not misuse the said liberty. It is also an undisputed fact that all other co-accused have been granted either anticipatory or regular bail in the present matter.

9. The chargesheet has also been filed in the present matter, therefore, the petitioner's custody is not required for any further investigation.

10. Insofar as the apprehension expressed by the learned APP that the petitioner might try to influence the complainant, is concerned, suffice it to note that the complainant is not a vulnerable witness, he is a government official. In any case, to allay the apprehension of the learned APP, appropriate conditions can be imposed while admitting him bail.

11. Insofar as the submission of the learned APP that the complainant is a government official, therefore, enlarging the petitioner on bail will send a wrong message, is concerned, it cannot be overlooked that the petitioner is already in custody since 29.04.2024 and his custody is no more required for any investigation or otherwise. Further, at this stage, there is a presumption



of innocence in favour of the present petitioner. Furthermore, the petitioner has never misused his interim bail, therefore, he does not appear to be flight risk.

12. 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.

13. Accordingly, the petitioner is enlarged on bail subject to his furnishing a Personal Bond in the sum of Rs. 25,000/- and one Surety Bond of the like amount to the satisfaction of the Trial Court/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 change his address without prior intimation to the Investigating Officer concerned.
- (d) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the complainant or other witnesses.

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.

VIKAS MAHAJAN, J

JANUARY 17, 2025

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