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

+ BAIL APPLN. 3793/2024

SAHIL @ KAKI

.....Petitioner

Through: Mr. Manoj Kumar and Mr. Alamine,
Advocates.

versus

THE STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Tarang Srivastva, APP for the
State with SI Santosh Kumar, P.S.
Mukherji Nagar.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

19.02.2025

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By way of the present petition filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks regular bail in case FIR No. 377/2024 dated 17.05.2024 registered under sections 392/394/397/411/34 of the Indian Penal Code, 1860 and sections 25/27/54/59 of the Arms Act, 1959 at P.S.: Mukherjee Nagar, Delhi.

2. Notice on this petition was issued on 21.10.2024, pursuant to which Status Report dated 30.11.2024 has been filed in the matter.
3. Nominal Roll dated 05.12.2024 has also been received from the concerned Jail Superintendent.
4. Despite service of intimation of the present proceedings, the complainant is neither present nor represented in the matter.
5. Mr. Manoj Kumar, learned counsel appearing on behalf of the petitioner submits that the only allegation against the petitioner is that



he had wielded a *danda* while robbing one of the complainants of a cell-phone viz. an I-Phone 15.

6. Learned counsel further argues, that one of the other co-accused persons in the matter, Fardeen Khan, who had allegedly wielded a revolver, has recently been admitted to regular bail *vide* order dated 15.02.2025 by the learned Sessions Court.
7. Mr. Kumar also points-out, that as would be seen from the petitioner's nominal roll, the petitioner has been in continuous judicial custody for about 9 months now; that his jail conduct has been 'satisfactory'; and he has no other criminal involvement.
8. Learned counsel submits, that the petitioner is a student, about 20 years of age; and his educational career is being seriously impacted by reason of his being in judicial custody.
9. On the other hand, Mr. Tarang Srivastva, learned APP appearing for the State argues that it is the petitioner who had attacked the complainant with a *danda*; and that he has not co-operated even in recovering the *danda*. Mr. Srivastva submits, that if admitted to bail, the petitioner is likely to threaten the witnesses and may even flee from justice.
10. Considering the nature of the offence alleged, and on an overall conspectus of the circumstances obtaining in the matter, in particular the fact that the petitioner is a 20-year old student with no previous criminal involvements, this court is persuaded to admit the petitioner – **Sahil @ Kaki s/o Itwari** – to regular bail pending trial, subject to the following conditions :



- 10.1. The petitioner shall furnish a personal bond in the sum of Rs. 25,000/- (Rs. Twenty-five Thousand Only) with 01 surety in the like amount from a family member, to the satisfaction of the learned trial court;
- 10.2. The petitioner shall furnish to the Investigating Officer/S.H.O, P.S.: Mukherjee Nagar, Delhi a cell-phone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
- 10.3. If the petitioner has a passport, he shall surrender the same to the learned trial court and shall not travel out of the country without prior permission of the learned trial court;
- 10.4. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial; and
- 10.5. In case of any change in his residential address/contact details, the petitioner shall promptly inform the I.O. in writing.
11. Since the petitioner is facing trial and is therefore appearing before the learned trial court from time-to-time, it is not considered necessary to impose a reporting requirement as a condition of regular bail.
12. Nothing in this order shall be construed as an expression of opinion on the merits of the pending matter.



13. A copy of this order be sent to the concerned Jail Superintendent *forthwith*.
14. The petition stands disposed-of in the above terms.
15. Other pending applications, if any, are also disposed-of.

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 19, 2025/V.Rawat