



\$~1

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

+ **BAIL APPLN. 4479/2024**

AZAD

.....Petitioner

Through: Mr. Omkar Sharma, Advocate.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Meenakshi Dahiya, APP for State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

30.01.2025

%

CRL.M.A. 36688/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. The Application is disposed of.

BAIL APPLN. 4479/2024

3. The present Bail Petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the Petitioner seeking Regular Bail in FIR No. 409/2024 under Sections 110/117(2)/3/5 of Bharatiya Nyaya Sanhita, 2023 (*hereinafter referred to as "BNS, 2023"*) registered at Police Station DBG Road, Delhi.
4. It is submitted in the Petition that the learned Additional Sessions Judge has dismissed the Bail Application of the Petitioner *vide* Order dated 12.11.2024.
5. It is further submitted that the Petitioner is in Judicial Custody from



30.08.2024.

6. As per the fact of the case, the victim, Gaurav has suffered injuries and as per the MLC, the injuries were caused by fist and blow over head, however, due to the injury caused to the Petitioner over his head, he had become unconscious. No sharp or dangerous weapon had been used by the Petitioner. Further, as per the MLC, the injured, Gaurav was under the influence of alcohol. The offence does not fall under Section 110 of BNS, 2023, but is only a case under Section 115(2) of BNS, 2023.

7. It is further submitted that in fact the present case is a counter blast on account of money borrowed by the Complainant/Gaurav from the Petitioner. The Petitioner has been falsely implicated on account of previous enmity between the parties.

8. The Petitioner is 35 years old and working as labourer and he belongs to poor family and he is one of the financial supporters to his family.

9. It is submitted that the investigations are complete and the Chargesheet has already been filed before the learned Trial Court. The custody of the Petitioner is no longer required by the Police. The Petitioner undertakes to abide by the terms that may be imposed by the Court while granting Bail.

10. It is submitted that the Petitioner may be granted Regular Bail.

11. **Learned Additional Public Prosecutor** appearing on behalf of the State has opposed the present Bail Petition on the ground that the Petitioner is involved in the commission of offence which is of grave nature.

12. It is also submitted that on account of injuries suffered by the injured, Gaurav, he became unconscious and had remained admitted in the Hospital for two days. Considering the gravity of the offence, the Bail may not be



granted to the Petitioner.

13. Submissions heard and record perused.

14. The allegations against the Petitioner are of offences under Sections 110/117(2)/3/5 of BNS, 2023.

15. The investigations are complete and the Chargesheet has also been filed before the learned Trial Court. The petitioner is in judicial custody from 30.08.2024. The Petitioner has no previous criminal antecedent.

16. Considering the totality of the circumstances as narrated above, the Petitioner is admitted to Regular Bail in FIR No. 409/2024 under Sections 110/117(2)/3/5 of BNS, 2023 upon his furnishing a personal bond in the sum of Rs. 20,000/- and one surety of the like amount to the satisfaction of the learned Trial Court, subject to the following conditions: -

- a) Petitioner shall not leave Delhi/NCR without prior permission of the Court;
- b) Petitioner shall appear before the Court as and when the matter is taken up for hearing;
- c) Petitioner shall provide his mobile number and also the mobile number of his surety to the IO concerned, both of which shall be kept in working condition at all times and they shall not change the mobile numbers without prior intimation to the Investigating Officer concerned;
- d) Petitioner shall inform the IO and the Jail Superintendent the address where he shall be available in Delhi;
- e) Petitioner shall not try to contact, threaten or influence any of the witnesses of this case; and
- f) Petitioner shall not indulge in any criminal activity and shall not



communicate with or come in contact with the witnesses.

17. The Registry is further directed to communicate this Order to the learned Trial Court and as well as to the concerned Jail Superintendent.
18. Accordingly, the present Petition is disposed of.

NEENA BANSAL KRISHNA, J

JANUARY 30, 2025
S.Sharma