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

+ **BAIL APPLN. 4789/2024**

ASHISH @ CHEENU

.....Applicant

Through: Ms. Mirza Maaz Barg &
Mr. Firoz Iqbal Khan,
Advs.

versus

THE STATE OF NCT OF DELHIRespondent

Through: Mr. Aashneet Singh, APP
for the State
SI Sonu Kumar Jha & ASI
Md. Abbas, PS- Ambedkar
Nagar

+ **BAIL APPLN. 311/2025**

SHIBBU KRISHANAN KANDASWAMI

@ SIBBU

..... Applicant

Through: Ms. Mirza Maaz Barg &
Mr. Firoz Iqbal Khan,
Advs.

versus

THE STATE OF NCT OF DELHIRespondent

Through: Mr. Aashneet Singh, APP
for the State
SI Sonu Kumar Jha & ASI
Md. Abbas, PS- Ambedkar
Nagar

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

25.04.2025

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1. Status report is handed over in Court today and the same is taken on record.
2. The FIR was registered pursuant to an information received on 20.10.2024 regarding a quarrel between certain people, which led to injury to six persons, whose MLCs were prepared at All India Institute of Medical Science ('AIIMS').
3. The injured complainant alleged that there had been an



altercation between his cousin namely– Anuj and one boy named Samad s/o Sarwar on the occasion of Durga Puja, which was later mutually settled by them. It was alleged that on 20.10.2024, when the complainant was walking on the street near his residence, the accused persons including the applicants herein, who lived nearby, suddenly came with sticks and started quarrelling with the complainant and beat him with the sticks. On the complainant shouting for help, his family members came out in the street in order to save him when the accused persons started to beat his family members as well. It is stated that when the Police arrived, the accused persons ran away from the spot.

4. The CCTV footage was collected, which revealed that the accused persons, including the applicants herein, could be seen going towards the place of incident with sticks in their hand. One of the co-accused persons was also seen carrying a pistol in his hand.

5. The Status Report indicates that the scuffle also led to injuries to the applicants for which MLCs were prepared at AIIMS Trauma Centre. The MLCs of the applicants indicate that the applicant – Ashish @ Cheenu, also suffered injuries on the said date.

6. By order dated 24.12.2024, the applicant – Ashish @ Cheenu was granted interim protection by this Court on him joining and cooperating with the investigation and by order dated 24.01.2025, the applicant – Shibbu Krishanan Kandaswami @ Sibbu, was also granted interim protection by this Court on him joining and cooperating with the investigation.

7. The applicants have since joined investigation.

8. It is not in doubt that order for grant of pre-arrest bail cannot be passed in a routine manner so as to allow the accused to



use the same as a shield. At the same time, it cannot be denied that great amount of humiliation and disgrace is attached with the arrest. In cases where the accused has joined the investigation, cooperating with the Investigating Agency and is not likely to abscond, the custodial interrogation should be avoided.

9. The purpose of custodial interrogation is to aid the investigation and is not punitive. In the opinion of this Court, no purpose would be served by subjecting the applicant to custodial interrogation.

10. Even otherwise, any apprehension regarding the applicants fleeing from justice, tampering with evidence or not cooperating with the investigation can be taken care of by putting appropriate conditions.

11. In view of the above, it is directed that in the event of arrest, the applicants are directed to be released on bail on furnishing a personal bond for a sum of ₹20,000/- with two sureties of the like amount, subject to the satisfaction of the concerned SHO, on the following conditions:

- a. The applicants shall join and cooperate with the investigation, if required, as and when directed by the IO;
- b. The applicants shall not leave the country without the prior permission of the learned Trial Court;
- c. 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;



- d. The applicants shall appear before the learned Trial Court as and when directed;
 - e. 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;
 - f. The applicants shall give their mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.
12. The present bail applications are allowed in the aforesaid terms.
13. It is clarified that the observations made in the present order are only for the purpose of considering the present applications 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. A copy of this order be placed in both the matters.

AMIT MAHAJAN, J

APRIL 25, 2025
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