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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3721/2024**

SHRI SAHIL

.....Applicant

Through: Mr. Deepak Aggarwal &
Mr. Utsav & Ms.
Rubeena, Advs.

versus

STATE GOVT.OF NCT OHTHROUGH PS SUBHASH
PLACE

.....Respondent

Through: Mr. Satinder Singh Bawa,
APP for the State.
ASI Neeraj Rana, PS
Subhash Place.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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29.10.2024

CRL.M.A. 30922/2024 (exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present bail application is filed seeking regular bail in FIR No. 627/2024 dated 03.09.2024, registered at Police Station Subhash Place, for offences under Sections 109(1) / 3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS').
4. The FIR was registered on an allegation that the complainant while going to his brother in law's shop, was attacked by three persons. One of the assailants was the applicant. It is alleged that serious injuries were caused by the accused persons who attacked the complainant with knife on face, neck and hips.



5. The learned counsel for the applicant submits that false allegations have been made against the applicant. He submits that there had been past animosity between the applicant and the complainant which led to the complainant also naming the applicant along with other assailants. He submits that the applicant had filed an application before the learned Trial Court, pursuant to which CCTV footage and the original DVR was produced. It is the case of the applicant that he, at the time of incident, was present in his house. He further relied upon the CDR location at the time of incident to show that he was not present at the place of crime. The DVR and CCTV footage have been verified.

6. It is the case of the prosecution that the possibility of tampering with the CCTV footage cannot be ruled out.

7. It is true that the CCTV footage sought to be relied upon by the accused is in the nature of defence evidence and its veracity would be tested during the course of the trial. In the absence of its veracity being verified, the same cannot be the sole basis for giving a clean chit to the applicant. However, the benefit of the same cannot be denied at the time of considering the application for bail. The original DVR is already in possession of the prosecution and has been sent for verification to the FSL.

8. It is not denied that the CDR location of the mobile phone of the applicant obtained by the prosecution, at this stage shows that he was not present at the place of crime.

9. The applicant is stated to be in custody since 14.09.2024. The investigation *qua* the applicant seems to be complete. No purpose would be served by keeping the applicant in further custody. However, appropriate conditions ought to be put to



allay the apprehension of applicant tampering with the evidence and threatening the witnesses.

10. In view of the above, the applicant is directed to be released on bail on furnishing a personal bond for a sum of ₹25,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court / Duty MM / Link MM, on the following conditions:

- a. The applicant 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;
- b. The applicant shall under no circumstance leave the boundaries of the country without the permission of the learned Trial Court;
- c. The applicant shall appear before the learned Trial Court as and when directed;
- d. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- e. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phones switched on at all times.

11. In the event of there being any FIR/ DD entry/ complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

12. It is clarified that the observations made in the present order are only for the purpose of deciding the present bail application and shall not influence the outcome of the trial and



also not be taken as an expression of opinion on the merits of the case.

13. The bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

OCTOBER 29, 2024/“SK”