

Tarun Kaushik vs The State Of Delhi on 22 February, 2024

Author: Jyoti Singh

Bench: Jyoti Singh

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 255/2024
TARUN KAUSHIK

Through: Mr. Hirein Sharma,
and Mr. Vimal Tyagi, Advocat

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THE STATE OF DELHI

Through: Mr. Yudhvir Singh
the State with SI Raj Kuma
West.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

OR

% 22.02.2024

1. This is an application preferred on behalf of the Applicant Tarun Kaushik S/o Sh. Subhash under Section 439 Cr.P.C. seeking regular bail, in case FIR No.541/2023 dated 20.04.2023 under Sections 323/341/34 IPC registered at PS: Paschim Vihar West. Sections 365/395/397/336 IPC and Section 27 of the Arms Act, 1959 were added later in the charge sheet.

2. Case of the prosecution forthcoming from the status report is that present FIR was registered on a complaint made by Adarsh Yadav, who alleged that on 19.05.2023 Vishnu Sharma came to his house on scooty and took him to DDA ground in front of S.S. Mota School, Paschim Vihar, Delhi, where Tarun Kaushik, Anshu, Hemant and one unknown person were present in a Brezza Car. All the accused persons kidnapped the Complainant in the Car and started beating him with pistol butt and robbed his golden chain, purse containing Rs.12,000/-, driving licence copy etc. and then took This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 26/02/2024 at 21:41:28 him in front of Richmond School, purchased a water bottle and came back to the same location and started beating the Complainant again with pistol butt and fists. Pistol butt was put in the mouth of the Complainant and a video of the incident was made in their mobiles. One accused namely Rahul Bhardwaj fired in the air to threaten him. Later they dropped the Complainant in an unconscious state and ran away from the spot. When the Complainant regained his consciousness, he came back home and narrated the entire incident to his uncle, who called the police on 112 and took him to

Satyabhama Hospital. MLC was conducted and the injury was opined to be simple in nature. On inspection of the spot by Crime Team/OD, one empty cartridge was recovered and present FIR was registered. A gold chain was produced by Vishnu Sharma during investigation and the Brezza Car bearing No.DL-8CBD-3765 was seized, but later released on superdari to the owner. Applicant was arrested on 15.12.2023 and is currently in judicial custody.

3. Learned counsel for the Applicant submits that the Applicant is innocent and has been falsely implicated. As per the allegations in the FIR, co-accused Vishnu Sharma and injured Adarsh Yadav were friends and known to each other and it was Vishnu, who took the Complainant to the park, where he was allegedly beaten up. Story of the injured is wholly unbelievable that the accused persons gave him beating and then started roaming about and went to a distance to drink water and then came back and started beating again. The empty cartridge is stated to have been found on the next day and that too, was handed over by the tenant of the injured and could not be found by the Crime Team, who admittedly inspected the crime spot. As per the injured, Vishnu came back to him and handed over a gold This is a digitally signed order.

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4. Learned APP, on the other hand, opposes the bail application on the ground that the allegations are serious in nature as Applicant has indulged in day light robbery and beaten up the victim. Charge is yet to be framed by the Trial Court. There is no parity between the case of the Applicant and the other co-accused Vishnu and Rahul, who have been enlarged on anticipatory bails, as there are no allegations of beating the victim, against them.

5. I have heard learned counsel for the Applicant and the learned APP for the State.

6. Indisputably, investigation pertaining to the present FIR is over and charge sheet as well as supplementary charge sheet have been filed by the police. Two of the co-accused have been granted anticipatory bails by the This is a digitally signed order.

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7. Having regard to the aforesaid facts and circumstances, this Court is of the view that the Applicant has made out a case for grant of regular bail. Accordingly, Applicant shall be released on regular bail, subject to his furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the learned Trial Court and further subject to the following conditions:-

- i. Applicant shall not leave the country without prior permission of the Trial Court;
- ii. He shall provide his mobile number to the IO concerned and keep the same active at all times and shall not change the number without prior intimation to the IO and the Trial Court;
- iii. He shall furnish his permanent residential address to the concerned IO and shall intimate the IO as well as the Trial Court by filing an affidavit regarding any change in his residential address;

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- v. He shall report to concerned IO once a month on every third Monday at 2.00 pm;
- and vi. He shall appear on every date of hearing before the Trial Court unless exemption is sought and granted by the Court on any given date.

8. It is made clear that nothing stated in this order shall tantamount to expression of an opinion on merits of the case.

9. Application stands disposed of.

10. Copy of the order be sent to the concerned Jail Superintendent for information and necessary compliance.

JYOTI SINGH, J FEBRUARY 22, 2024/shivam This is a digitally signed order.

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