

Kuldeep vs State Nct Of Delhi on 4 March, 2024

Author: Manoj Kumar Ohri

Bench: Manoj Kumar Ohri

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 522/2024
KULDEEP

Through: Mr.Bharat Chugh, Mr.Jai
Mr.Mayank Arora, Mr.Prasoon Shek
Mr.Mohit, Advocates

STATE NCT OF DELHI

Through: Mr. Laksh Khanna,
Insp. Mukesh Kumar

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI
ORDER

% 04.03.2024

1. By way of present application filed under Section 439 read with Section 482 Cr.P.C., the petitioner/applicant seeks regular bail in FIR No.218/2023 registered under Section 395/385/452/170/211/120B/34 IPC at P.S. Janakpuri, Delhi.

2. Learned counsel for the applicant submits that the applicant was initially taken in custody on 02.08.2023 at which time, Section 395 IPC was not added in the FIR. He submits that the applicant was released on bail 03.08.2023 whereafter, upon invocation of Section 395 Cr.P.C., the bail application came to be dismissed on 11.08.2023 and the applicant was re- arrested on 28.09.2023. He submits that the applicant has been in custody since then. He further submits that as per the case of the prosecution, the applicant was a serving police constable with Delhi Police and that the applicant had visited the house of the complainant in his official capacity. It 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 05/03/2024 at 00:08:59 is further stated that, on a bare reading of the FIR, neither any theft nor any robbery can be seen to have been committed. He further submits that the applicant is not involved in any other case.

3. Learned APP for the State has opposed the bail application. He submits that the applicant alongwith 7 others had gone to the house of the complainant and thereafter an attempt was made to

extort money on the basis of certain property transaction which the complainant had entered into in Hapur. He submits that later, CCTV footage was also collected and further, that the complainant is yet to be examined. He further submits that an anonymous letter containing threats has been received by the complainant, which is pending enquiry. He further submits that chargesheet in the present case has been filed, however, charges are yet to be framed.

4. I have heard the learned APP for the State as well as learned counsel for the applicant and have also gone through the material placed on record.

5. A reading of the FIR would show that it has been alleged that the applicant alongwith others had asked wife of the complainant to go for a settlement on the pretext of certain tax issues relating to property transaction and that the complainant's wife informed about the same to the complainant. When the complainant reached his house, the applicant and others had already left.

6. Keeping in view the aforesaid facts and circumstances including the nature of allegations and the period of custody, the applicant is directed to be released on regular bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety of like amount to the satisfaction of the concerned Jail Superintendent/Duty M.M./Trial Court and subject to the following further conditions:-

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(i) The applicant shall not leave the NCT of Delhi without prior permission of the concerned Court.

(ii) At the time of furnishing bail bond, the applicant shall provide the mobile number, which he undertakes to keep operational at all times during the pendency of the trial.

(iii) In case of change of residential address or contact details, the petitioner shall promptly inform the same to the concerned IO as well as to the concerned Court.

(iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.

(v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.

7. The application stands disposed of in the above terms.

8. Copy of this order be communicated electronically to the concerned Jail Superintendent for information.

9. Copy of this order be uploaded on the website forthwith.

10. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the observations are only for the purpose of the disposal of the present application.

DASTI.

MANOJ KUMAR OHRI, J MARCH 4, 2024 na This is a digitally signed order.

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