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

+ BAIL APPLN. 2449/2021

DHARAMVIR

..... Petitioner

Through Mr. Saroj Kumar Jha, Advocate

versus

STATE GOVT OF DELHI

..... Respondent

Through Mr. D K Bhatia, SPP for the State
with ASI Sushil Kumar, PS Gokul
Puri

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

25.11.2021

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1. The petitioner seeks bail in FIR No. 73/2020 dated 01.03.2020 registered at Police Station Gokulpuri for offences under Section 147, 148, 149, 427 IPC.
2. The complaint was given by one Nazmeen W/o Mohd. Aslam resident of A-366, Gokalpuri, North East Delhi, Delhi. It is stated in the complaint that on 25.02.2020 the house of the complainant was set on fire by the rioters and goods were looted from her house, and the rioters damaged the scooter and the motorcycle in the house. On the said complaint, the instant FIR was registered for offences under Section 147, 148, 149, 427 IPC.
3. Investigation is complete. Chargesheet has been filed. The investigation revealed that there are materials against three accused, namely, Dharamvir i.e. the petitioner herein S/o Deen Dayal resident of B-123,

Gokulpuri, Delhi, Arjun S/o Kuldeep resident of A-84, Gokalpuri, Delhi and Gopal, S/o Raju resident of A-384, Gokalpuri for offences under Section 147, 148, 149, 188, 436, 380, 427 IPC. It is stated that orders under Section 144 CrPC were passed and offence under Section 188 IPC has also been added.

4. A perusal of the chargesheet shows that the three accused were a part of the mob that had committed the offence. The petitioner filed an application for bail and the same was dismissed by the learned Additional Sessions Judge by an order dated 08.06.2021 on the ground that the petitioner was seen taking active part in the rioting and is clearly visible in the video footage. The petitioner has approached this Court by filing the instant application.

5. It is stated that the petitioner has been in custody since 10.04.2020. It is also stated that chargesheet has been filed on 09.07.2020 after the order of the learned Trial Court rejecting bail. It is stated that the petitioner is a youngster aged 20 years. It is stated that the trial will take a long time. The learned counsel contends that there is no necessity for keeping the petitioner in custody any further.

6. *Per contra*, Mr. S P Bhatia, learned SPP, contends that the petitioner is accused of rioting. He submits that if the petitioner is released on bail, there is every possibility of him tampering with evidence and threatening the witnesses. He, however, very fairly concedes that two co-accused have been granted bail by order dated 22.05.2020 and the role of the petitioner is more or less identical to that of the co-accused who have been granted bail.

7. Chargesheet has been filed. The petitioner is only 20 years of age and he is a student, the possibility of the petitioner tampering with evidence is

remote. This Court is inclined to enlarge the petitioner on bail on the following conditions:-

- i. The petitioner is directed to furnish a personal bond in the sum of Rs.20,000/- with one surety in the like amount who should be the relative of the petitioner to the satisfaction of the Trial Court.
 - ii. Memo of parties shows that the petitioner is a resident of H.No.B-123, Gokalpuri, North East Delhi-110094. He shall reside at the same address and any change in the said address shall be intimated to the Investigating Officer.
 - iii. The petitioner is directed to give all his mobile numbers to the Investigating Officer and keep them operational at all times.
 - iv. The petitioner is directed not to leave the NCR of Delhi without the prior permission of the Court.
 - v. The petitioner shall not tamper with the evidence or try to influence the witnesses directly or indirectly.
 - vi. Violation of any of the abovementioned conditions shall lead to immediate cancellation of bail granted to the petitioner.
8. The application is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

NOVEMBER 25, 2021

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