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

+ **BAIL APPLN. 3412/2020**

VAIBHAV MALHOTRA

..... Petitioner

Through Mr Jai Anant Dehadrai, Advocate.

versus

STATE OF NCT OF DELHI

..... Respondent

Through Mr Ravi Nahyak, APP for State with SI
Pardeep Kumar PS P.V. West.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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18.12.2020

[Hearing held through videoconferencing]

1. The applicant has filed the present application seeking bail in FIR No. 739/2020 under Section 307/186/353 of the Indian Penal Code, 1860 registered with PS Paschim Vihar (West).
2. The said FIR was registered on the statement made by Ct. Virender. He had stated that on 11.09.2020 at about 8.00 p.m. he was on his duty near a red light GH-14, Paschim Vihar, Delhi and was regulating the traffic. He stated that he saw one Maruti Brezza car bearing No. DL-2C-AZ-6435 approaching from the wrong side and jumping the red light. He endeavoured to stop the vehicle and signalled the driver to stop. However, the driver (who was identified as the applicant herein) did not stop the vehicle and instead accelerated the vehicle to flee from the spot. He stated that since he was in front of the car he came on to the bonnet of the car but that also did not deter

the applicant from stopping the vehicle. He alleges that the applicant drove the vehicle for about 100 metres, with him clinging on to the bonnet, and then stopped to provide him an opportunity to get down. He stated that he tried to apprehend the applicant but the applicant fled from the spot. During the course of the incident the complainant received minor injuries.

3. The investigation was conducted and the MLC of the complainant was collected. The same indicates that he had suffered the following injuries: (i) Abrasion over left hand; (ii) bruises over left forearm; (iii) abrasion over right side of lower abdomen and; (iv) abrasion over left lower leg. The nature of the said injuries was determined as 'simple'.

4. The statements of the eyewitnesses were recorded and other material was coalesced.

5. The applicant was apprehended. He initially took a plea that he was not driving the said vehicle. His TIP was conducted but he refused to join the same. The CCTV footage of the incident was recovered and it is case of the prosecution that the applicant is clearly identifiable in the said footage.

6. The charge sheet in the case was filed on 18.11.2020. The status report indicates that the applicant is also involved in another FIR: FIR No. 329/2019 under Section 323/341/506/34 of the IPC registered with PS Paschim Vihar West.

7. It is averred in the present application that the applicant was ill-advised. The applicant has now admitted to the fact that he was driving the vehicle at the material time. His explanation is that he was learning how to drive and had mistakenly jumped the red light. When the police official (complainant) signalled him to stop, he, in his nervousness, pressed the accelerator instead of the brake and the vehicle sped forward. It is his case

that he had no intention to cause any injury or harm to any person. He claims that the alleged offence was committed as he was not adept to handle the vehicle.

8. At this stage, this court is not required to evaluate the merits of the explanation put up as a defence by the applicant. However, it is clear that he has admitted to the material facts as alleged by the prosecution.

9. Mr Dehadrai, learned counsel appearing for the applicant submits that the applicant has admitted to the jumping of the red light and to the incident in question; he would thus undergo any punishment that may be imposed on him. However, at this stage, there is no requirement to place the applicant in custody.

10. The charge sheet has been filed. In view of the above, no further investigations are necessary. There is no material on record which would suggest that the applicant presents any flight risk. It is also apparent that there is no possibility of the applicant now influencing any witnesses or tampering with the evidence.

11. In view of the above, this Court considers it apposite to allow the present application. The applicant shall be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount to the satisfaction of the Trial Court/Duty Magistrate. This is also subject to the following further conditions:-

- (a) That the applicant shall provide a contact number to the IO/SHO [PS Paschim Vihar (West)] and ensure that he is reachable at all times;
- (b) That the applicant shall not leave the National Capital Territory of Delhi;

- (c) That the applicant shall not change his residential address without prior intimation to the concerned IO;
 - (d) That the applicant shall ensure that he is available on all hearings before the Trial Court.
12. The application is allowed in the aforesaid terms.

DECEMBER 18, 2020
pkv

VIBHU BAKHRU, J