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

+ BAIL APPLN. 652/2022

RAKESH

..... Petitioner

Through: Mr.Ram Naresh and Mr.Jitender
Tiwari, Advocates.

versus

STATE (GOVT. OF NCT DELHI)

..... Respondent

Through: Mr. Laksh Khanna, APP for the State
along with SI Ashok Rajpuniya.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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05.08.2022

1. This is an application preferred on behalf of the petitioner under Section 439 Cr.PC for grant of regular bail in FIR No. 383/2021, under Sections 186/353/427/506 IPC and Section 3 of the Prevention of Damage to Public Property Act, 1984, registered at Police Station Farsh Bazar.

2. In brief, as per the case of the Prosecution, on 17.07.2021 at about 10:15 am, a PCR call was received at Police Station Farsh Bazar regarding damage inside the Court Room No. 66 of Karkardooma Court, Shahdara, Delhi vide DD No. 41-A. As per the statement of the complainant Girish Vaidya, Reader of the presiding officer, at about 10:00 AM petitioner inquired about the status of his case, pending in the Court. The complainant informed the petitioner that his case is listed on 19.07.2021, on which the petitioner became furious and started vandalizing the furniture present in the court room. The petitioner also ran after the Reader to assault him. However, the Reader saved himself by entering the gallery at the backside of the Court

room. The petitioner is also alleged to have vandalized the articles present in the court room i.e. tables, chairs, fans, LED lights, computers, printers, glass shields and the chair of the learned Judge.

3. Learned counsel for the petitioner submits that the petitioner is in custody since 17.07.2021 and has clean past antecedents. The charge-sheet is stated to have already been filed in the Court on 13.09.2021.

4. On the other hand, learned APP for state opposes the application and submits that the CCTV footage of the incident was duly obtained and the photographs of the incident have also been annexed. It is further submitted that the finger prints found on the glass shield and other articles were also obtained but as per the report of the Finger Print Bureau, the finger prints of the petitioner could not be identified.

5. I have given considered thought to the contentions raised.

At the outset, it may be observed that the applicant belongs to a poor strata of the society and is a resident of *jhuggi* at Shashtri Park, Delhi. It appears that the petitioner vented out his frustration in the court and took law in his hands by damaging the public property.

Vindicating of any personal grievance by violent means has to be rejected at the threshold. A person exercising a legal right in the court of law has a corresponding obligation and duty from acting in a manner which may lead to violation of the rights of other individuals.

However, in the present case, it cannot be ignored that the petitioner is a first time offender with clean past antecedents and belongs to the marginalised group of the society. The incident appears to have been triggered without any motive owing to some difficulty being faced by the petitioner in the execution of the legal proceedings initiated by him. The

petitioner is in custody for over one year since 17.07.2021 and the conclusion of trial is likely to take considerable time since 19 witnesses have been cited and only one witness is stated to have been examined till date.

6. Considering the totality of the facts and circumstances, the petitioner is admitted to bail on furnishing a personal bond in the sum of Rs.20,000/- (Rupees Twenty Thousand only) with one surety in the like amount to the satisfaction of the learned trial court and subject to following conditions :

- (i) The petitioner shall provide his mobile number to the Investigating Officer (IO) concerned/SHO concerned at the time of release, which shall be kept in working conditions at all times. The petitioner shall not switch-off, or change the same without prior intimation to the IO concerned, during the period of bail;
- (ii) The petitioner shall not indulge in any criminal activity or any illegal activities during the bail period;
- (iii) The petitioner shall not tamper with the evidence of the case.

Application is accordingly disposed of.

A copy of this order be forwarded to the Jail Superintendent and the learned trial court for information and compliance.

ANOOP KUMAR MENDIRATTA, J

AUGUST 5, 2022/A