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

+ **BAIL APPLN. 2323/2018 and Crl. M.A. 33450/2018**

DEEPAK GAUR

..... Petitioner

Through: Mr. Vishal Raj Sehijpal, Mr.
Purushendra Bhardwaj and Mr. Pravin Sharma,
Advocates

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Amit Ahlawat, APP for the State
with ACP P.S. Chahal, Insp. Parveen Kumar and
SI Kuldeep Yadav

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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03.10.2018

On 09.08.2018, a protest demonstration was carried out at Parliament Street, there being evidence available to substantiate the allegations that an organization styled at Arakshan Virodhi Party, of which the petitioner is stated to be the National General Secretary was the organizer. Those participating in the demonstration allegedly committed various acts of commission or omission, they constituting offences punishable under Section 153A, 505, 120B, 34 IPC and Section 2 of Prevention of Insults to National Honours Act, 1971 besides Section 3(u) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The evidence *prima facie*

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showing commission of such offences, has primarily been gathered in the form of video footages developed and shared by certain persons with the police, some of which are stated to have gone viral upon they being uploaded on social media like *Facebook*. The petitioner was arrested on 12.08.2018 and has been in judicial custody ever since. His call detail record (CDR) statedly show his presence on or about the scene of occurrence. The video footages presently available with the investigating agency, concededly, do not show the physical presence of the petitioner amongst those who were indulging in such offences. The police assumes his involvement in the crimes because he was signatory to the letter of request that was submitted on 07.08.2018 for the peaceful demonstration and march to be permitted by the police authorities.

The investigation is likely to take quite some time to conclude. No useful purpose would be served by keeping the petitioner in custody. Having regard to the overall facts and circumstances, the prayer for release on bail is granted subject to the following conditions:-

- (i). The petitioner shall furnish a personal bond in the sum of Rs.20,000/- with one surety in like amount to the satisfaction of the trial court.
- (ii). Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the trial court.
- (iii). He shall join the investigation as and when called upon by the

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investigating officer to do so.

(iv). He shall scrupulously appear at each and every stage of the proceedings before the trial court so as not to cause any obstruction or delay to its progress.

(v). He shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(vi). He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

The bail application and the application filed therewith are disposed of in these terms.

A copy of this order shall be transmitted to the jail authorities and to the trial court.

Dasti under the signatures of the Court Master.

R.K.GAUBA, J.

OCTOBER 03, 2018

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