

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

Date of Reserve: October 27, 2010

Date of Order: 2nd November, 2010

+ BAIL APPLN. 245/2010

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02.11.2010

NAEEM @ ABID

..... Petitioner

Through: Mr. A.K.Mishra, Mr. B.D.Sharma &
Ms. Pratibha, Advocates

versus

STATE

..... Respondent

Through: Mr. Arvind Gupta, APP for the State with
Mr. Jagdish Prasad, ASI PS Sarita Vihar

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

JUDGMENT

This application under Section 439 Cr.P.C for bail has been made by the accused who is involved in offence under Section 365/342/295/397/412/120-B IPC. It is submitted that the accused/applicant was in jail since 26th August, 2007 and there was no likelihood of the trial coming to end at an early date therefore he be released on bail. It is also submitted that he was falsely implicated in the case and he was the only person in the family who was looking after the family.

A perusal of record shows that the accused person waylaid the complainant while he was returning from his jewellery shop, threatened him with pistol, tied his hands, robbed him of his mobile phone and took out the

keys of the shop, opened the shop and took away some gold and around 5 kg of silver. The present applicant is alleged to have master minded this *dacoity*. The effort to arrest him turned futile and he became Proclaimed Offender (PO), it was only later, when trial of the other accused was going on, he surrendered before the Court and a supplementary challan was filed. The accused is involved in other similar cases. The trial against the accused is going and the witnesses are being recorded. Looking at the character of the accused, there is every possibility that the accused may threaten the witnesses and try to affect the trial. The fact that he had become a PO is a relevant factor. I consider that it is not appropriate to grant him bail. The application is hereby dismissed.

November 02, 2010
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SHIV NARAYAN DHINGRA, J.