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

+ BAIL APPLN. 1272/2011

YOGENDER Petitioner

Through Mr. S.K. Rai, Adv.
versus

STATE Respondent

Through Ms. Fizani Hussain, APP

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+ BAIL APPLN. 1350/2011

AMIT Petitioner

Through Mr. S.K. Rai, Adv.
versus

STATE & ORS Respondent

Through Ms. Fizani Hussain, APP

CORAM:

HON'BLE MR. JUSTICE M.L. MEHTA

ORDER

% **03.11.2011**

Both these petitioners have filed above noted two separate applications for grant of bail. They both have been arrested and charge sheeted under section 392/397/387/120-B IPC and under section 25/27 Arms Act in FIR No. 183/2011 pertaining to P.S. Sangam Vihar.

Both the learned counsels for the petitioners have submitted the accused persons to be innocent and falsely implicated.

Signature Not Verified

Digitally Signed By: A. JULYA
Certify that the digital file and
physical file have been compared and
the digital data is as per the physical
file and no page is missing.

With regard to applicant Yogender it is submitted by learned counsel that nothing was recovered by the IO, the public or by the complainant.

With regard to petitioner Amit, it is submitted by learned counsel appearing for him that the alleged recovery of Rs.8,800/- from him has been planted.

I have heard learned counsel for the petitioners and learned Addl. PP for the State.

It is on record that on the information received, police reached at the spot and found two boys, later identified as petitioner Amit and Yogender @ Yogi, in injured condition and surrounded by large public. They were removed to trauma centre by PCR van. Statement of complainant Mohd. Rashid was recorded as per which three boys came on motorcycle on his way and asked him to stop. One of them Suraj took out the key of Motorcycle and another boy namely Yogender @ Yogi took out a katta and put it on his right shoulder and threatened him to give them whatever he had. In the meantime third boy Amit took out Rs. 8,800/- from his left pocket. Thereafter they ran away but there being traffic jam, they fell from the bike in panic. The complainant raised alarm whereupon Amit and Yogender were apprehended by the public. However, Suraj managed to escape. During the scuffle one katta and five live cartridges fell on the road

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from the possession of Yogender @ Yogi which were produced before the IO by the public including the complainant and his brother. However, the looted money of Rs.8,800/- could not be recovered. Later Yogender and Amit were arrested in the hospital and one live and one fired cartridges were recovered from him. Third accused Suraj being juvenile has been produced before Juvenile Justice Court.

From the investigation so far conducted, it is prima facie seen that all the three accused had conspired to commit the offence of robbery and in pursuance thereto they had proceeded while putting the life of the complainant in danger by using katta. The offence are not only serious and grave but menace to the society. They are not entitled to be released on bail. Both the petitions are hereby dismissed.

NOVEMBER 03, 2011

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M.L. MEHTA, J