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

+ BAIL APPLN. 2128/2013

MOHD. RAFI @ BABOO Petitioner

Through: Mr. Jitendra Sethi, Adv.

versus

STATE NCT OF DELHI Respondent

Through: Mr. Amit Ahlawat, APP for State.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **23.04.2015**

Petitioner is in judicial custody for the last two and a half years. Statement of complainant has already been recorded. Learned counsel for the petitioner contends that injured has been discharged from the hospital long ago. Defence of the petitioner before the trial court is that he was not present in Delhi at the time when incident took place. DW1-Shishir Malhotra, Nodal Officer, AIRCEL has been examined by the trial court. He has produced the CDR pertaining to the period 30th August, 2012 to 3rd September, 2012 of mobile no. 7503465953 belonging to petitioner. He has deposed that during the said period, mobile no. 7503465953 was in roaming mode in the Western Uttar Pradesh. As per the prosecution incident had taken place in Delhi on 31st August, 2012, thus, presence of petitioner at the spot is doubtful.

Keeping in mind totality of the circumstances, petitioner is admitted to bail subject to furnishing a personal bond in the sum of ₹20,000/- (Rupees Twenty Thousand Only) with one surety in the like amount to the satisfaction of the trial court.

Bail application is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

APRIL 23, 2015

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