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

+ BAIL APPLN. 1641/2015

BABBU MALIK

..... Petitioner

Through

Mr.Puneet Mittal, Adv. with  
Mr.Aman Sareen, Mr.Gurpratap  
Singh & Ms.Vasudha Bajaj, Adv.

versus

STATE (NCT OF DELHI)

..... Respondent

Through

Ms.Alpana Pandey, APP.  
SI Satvinder PS Kalkaji.

**CORAM:**

**HON'BLE MR. JUSTICE ASHUTOSH KUMAR**

**ORDER**

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**17.09.2015**

The petitioner seeks bail in FIR No.441/2013 (PS Kalkaji) instituted for offence under Sections 392/397/411/34 of the IPC.

It has been submitted on behalf of the petitioner that he was arrested in another case namely FIR No.547/2013 which was instituted for offence under the Arms Act and in the aforesaid case, the petitioner is said to have confessed his guilt about his participation in the present case.

It is submitted on behalf of the State that pursuant to the disclosure made by the petitioner, a gold ring, said to have been looted from the informant, was recovered.

The records reveal that the petitioner is in custody since 23.12.2013 and in the trial, only one witness has been examined out of a total number of 17 cited prosecution witnesses.

Learned counsel for the State vehemently opposed the prayer for bail on the ground that the petitioner is involved in 10 other cases of similar nature.

With respect to such submission of the State, it is urged that out of the 10 cases referred to above, the petitioner has been acquitted in one and is on bail in most of the cases. It is further submitted that only because the petitioner has had a tainted background, he has been made accused in this case.

Considering the period of custody of the petitioner and the near impossibility of the trial being concluded in a near future, this Court is inclined to grant bail to the petitioner. This Court has also noted the fact that one of the co-accused persons who was made accused in this case at the instance of the petitioner has been discharged.

Let the petitioner be released on bail on his furnishing a bond in the sum of Rs.10,000/- with two sureties of the like amount to the satisfaction of the Trial Court.

The petitioner would participate in the trial and would not make any efforts to delay the conclusion of the trial. The petitioner would furnish his mobile telephone number and the mobile telephone number of the two sureties to the SHO of the concerned police station.

If the petitioner is found to be deliberately delaying the conclusion of trial, the Investigating Agency would be at liberty to apply for cancellation of his bail.

The petitioner shall present himself on all dates before the Trial Court and would not remain absent on any account whatsoever on two dates consecutively, without a valid and proper cause.

With these observations, the application is allowed and disposed of.

**ASHUTOSH KUMAR, J**

**SEPTEMBER 17, 2015/ab**