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

+ BAIL APPLN. 2052/2015

ANSHUL @ KHALI Petitioner
Through: Mr.R.D.Tyagi, Advocate.

versus

STATE (NCT OF DELHI) Respondent
Through: Mr.M.P.Singh, APP.

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER
21.12.2015

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The petitioner seeks bail in FIR No.765/2014 (P.S.Subhash Place) instituted for the offences under Sections 307/120B/34 of the IPC. The aforesaid FIR was registered at the instance of one Amarjeet Singh on 24.08.2014 wherein he has alleged that while he along with two others were proceeding towards Rani Bagh on their being informed that a fight had taken place where their associates were involved, he and his company were intercepted by other gang of marauders. It has been alleged in the first information report that he could spot Pradeep Dhaiya, petitioner, Anil @ Lila, Anjum @ Ajay Chaudhary and Sonu @ Kale. It is submitted that all of them started firing indiscriminately towards him and his associates. Later, one of the police personnels who had come to the spot, rescued him and took him to Bhagwan Mahavir Hospital from where he was referred to Safdarjung Hospital.

Learned counsel appearing for the petitioner submits that he is the author of FIR No.764/2014 in the same police station i.e Subhash Place wherein he has alleged that because of indiscriminate firing by the miscreants, two of his associates namely Pradeep Dhaiya and Anil @ Lila were killed. It is further submitted on behalf of the petitioner that though he is stated to be a bouncer to one of the slain persons namely Pradeep Dhaiya but so far as the allegation against him is concerned, it is similar to the allegation on one Ajay @ Lila who has been granted bail in the present case by the Court below. The order granting bail to Ajay @ Lila has been annexed as Annexure P-6 to the petition.

The petitioner is in custody since 26.08.2014.

Learned counsel appearing for the petitioner further submits that the petitioner has been made accused, in the past, in four cases out of which, in two cases he has been acquitted. Two other cases which have been lodged against him pertain to the offences of theft and under the Arms Act and are still pending adjudication.

Considering the aforesaid facts namely no specific accusation against the petitioner in the FIR; his being the author of the cross case in which two persons have lost their lives; similarly situated person having been granted bail by Court below and the period of custody of this petitioner, this Court is inclined to grant bail to the petitioner.

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

The petitioner after his release on bail would not intimidate or influence any witness. Should he be found doing so, it would be open for the

investigating agency to inform the Trial Court regarding the same. The Trial Court, on receipt of such information, shall, after consideration of the materials collected against the petitioner, decide about cancellation of the bail of the petitioner and would take emergent steps for taking him into custody forthwith.

Application is disposed of.

Dasti.

ASHUTOSH KUMAR, J

DECEMBER 21, 2015

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