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

+ **BAIL APPLN. 169/2016**

AMEEN @ TILLU

..... Petitioner

Represented by: Mr. M.L. Choudhary, Adv.

versus

STATE (NCT OF DELHI)

..... Respondent

Represented by: Mr. Ashish Dutta, APP for State
with SI Girish Jain, PS-New Friends Colony.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

ORDER

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01.02.2016

CrI.M.A. 1245/2016 (for exemption)

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

+ **BAIL APPLN. 169/2016**

1. By way of the present petition, filed under Section 439 Cr.P.C., petitioner seeks grant of bail in case FIR no. 172/2014 registered at PS-New Friends Colony, New Delhi for the offences punishable under Sections 186/353/332/307/34 IPC.

2. The case of the petitioner is that he exhorted other co-accused to commit an offence and accordingly, the case mentioned above was registered against the petitioner.

3. Ld. Counsel appearing on behalf of the petitioner submits that name of the petitioner was not mentioned in the FIR, however, he was arrested on

the disclosure of the co-accused. Moreover, having similar role in the case, two co-accused namely Rafsan and Mubarak have already been granted bail by this court in Bail Application No. 647/2015 vide order dated 13.07.2015. Ld. Counsel further submits that the trial court has dismissed the bail application of the petitioner only on the ground that petitioner is having criminal background.

4. It is not in dispute that the petitioner is involved in three more cases as under:

- (1) FIR No. 349/2013, Under Sections 323/353/186/307/34 IPC.
- (2) FIR No. 416/2013, Under Sections 332/353/186/379/307/148/149 IPC.
- (3) FIR No. 63/2012, Under Section 4 of P.C. Act and HPCS Act.

5. It is not in dispute that the petitioner was arrested after he was declared proclaimed offender and an amount of Rs.50,000/- as reward was declared on his arrest.

6. Though, the role of the petitioner is similar to other two co-accused, who have already been granted bail by this court, however, keeping in view the criminal background of the petitioner, I am not inclined to allow the instant petition.

7. Accordingly, the petition is dismissed.

SURESH KAIT, J

FEBRUARY 01, 2016/jg