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

+ **BAIL APPLN. 379/2016**

SUDESH KUMAR

..... Petitioner

Through: Mr. Prem Prakash Soni, Mr. S.R. Pandey
and Mr. Mohd Raziq, Advocates

versus

STATE (GOVT OF NCT)

..... Respondent

Through: Mr. Ravi Nayak, APP with Inspector
S.K. Jha, PS- Kamla Market, Delhi

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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26.04.2016

The present is an application under Section 439 of the Code of Criminal Procedure, 1973 (Cr.P.C.) seeking regular bail in FIR No.386/2015, under Sections 365/392/397/34 IPC, registered at Police Station- Kamla Market, Delhi.

The applicant has been in judicial custody since 13.09.2015 and the charge sheet against him has already been filed as well as charges against him have been framed.

Learned counsel appearing on behalf of the applicant invites my attention to the charge sheet to urge that the allegations levelled against the present applicant pale into insignificance in comparison to the allegations levelled against the six co-accused, who have already been enlarged on regular bail by the trial court. A perusal of the charge sheet in the subject FIR *prima facie* leads to a conclusion that the submission made on behalf of the applicant is meritorious. The role ascribed to the applicant, in my view, is not of the magnitude as that ascribed to some of his co-accused, who have since been enlarged on bail by the trial court. Thus, the applicant is justifiably entitled to parity with the other co-accused, who have so been released on bail.

Consequently, the present application is allowed. The applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with two sureties of the like amount to the satisfaction of the trial court subject to the following conditions:-

- (i) The applicant shall not leave the National Capital Territory of Delhi without the prior permission of the Trial Court;
- (ii) The applicant shall remain present before the Trial Court on the dates fixed for the hearing of the case;
- (iii) The applicant shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the present case so as to dissuade them from disclosing such facts to the Court or to any other authority.

Needless to say, in the event the applicant violates any of the terms and conditions on which he has been enlarged on bail, the State shall be at liberty to seek cancellation of his bail.

The application is disposed of accordingly.

Dasti.

SIDDHARTH MRIDUL, J

APRIL 26, 2016

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