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

+ **BAIL APPLN. 747/2016**

DEEPAK

..... Petitioner

Through: Mhd. Musabbir Ansari and Mr.Ravi
Shanker Ray, Advocates.

versus

THE STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Ms.Alpana Pandey, APP for the State

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

24.05.2016

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1. The petitioner is seeking regular bail in FIR No. 441/2015, under Section 307/323/341/34 IPC & 25/54/27/59 of Arms Act, registered at PS Mehrauli.

2. Mhd. Musabbir Ansari, Advocate on behalf of the petitioner submits that as per the FIR there are allegations against the petitioner that he hit the complainant Sagar with the iron rod. Learned counsel for the petitioner has also referred to the MLC of the complainant submitting that the complainant has not suffered any injury which can be caused by iron rod. Hence the petitioner who is in custody since 21st February, 2015 may be granted bail.

3. The bail application filed by the petitioner has been dismissed by learned Trial Court on 3rd September, 2015 after seeing the CCTV footage wherein the petitioner had been seen actively participating in the occurrence and assaulting the victim with *danda*/iron rod.

4. As per the FIR the complainant was going on his motor cycle when the accused persons came in front of his motorcycle to stop him there and thereafter the complainant was assaulted by the petitioner along with the co-accused. When the complainant tried to escape from there, the co-accused Nitesh fired twice towards him, causing the bullet injuries.
5. Learned Trial Court has viewed the CCTV footage while dismissing the application of the petitioner for release on bail.
6. Taking into consideration the nature and gravity of the offence and the manner in which the complainant was allegedly made to stop his motorcycle on road and assaulted with rod by the present petitioner whereas his co-accused allegedly used fire arms, I do not find it to be a fit case to enlarge the petitioner on bail.
7. The application is dismissed.

PRATIBHA RANI, J.

MAY 24, 2016

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