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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 876/2016**
SARFARAJ @ DANISH

..... Petitioner

Through Mr. Prabhoo Dayal Tiwari,
Mr. Kanhi Lal & Mr. Surya Kumar,
Advocates

versus

STATE & ANR

..... Respondent

Through Mr. M S Oberoi, Advocate for the
State
SI Vishvendra, PS Seema Puri

CORAM:
HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

% **02.05.2016**

The present application under Section 438 of the Code of Criminal Procedure, 1973 (CrPC) seeks pre-arrest bail in FIR No. 518/2015 under Sections 308/34 ICP registered at PS Seema Puri, Delhi.

Learned counsel for the applicant would urge that he is entitled to parity since the co-accused has already been released on regular bail by the trial court. Learned counsel appearing for the applicant would next urge that the allegations levelled against the latter are false and concocted and he is only alleged to have caught hold of the victim when his co-accused assaulted the victim with a gas cylinder on the top of his head.

Notice.

Mr. MS Oberoi, learned APP appearing on behalf of the State,

accepts notice of this application and on instructions from the IO in this subject FIR namely, SI Vishvendra Dhaka, Police Station-Seemapuri states that they are not insisting on custodial interrogation of the applicant but would however require that he join the investigation and this court may enlarge him on bail whilst imposing stringent conditions.

In the present case it is observed that the co-accused of the applicant has already been enlarged on bail by the trial court. It is further observed that the allegations levelled against the co-accused are far graver in comparison to the allegations levelled against the applicant. It is further noticed that the injury suffered by the victim in the subject FIR are opined to be simple. The applicant has clean antecedents and is not wanted in any other case. It is further asserted on his behalf that he is a vendor selling 'momos'.

In view of the foregoing, the present application is allowed. In the event of his arrest, the applicant shall be released on bail upon his furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of the Arresting Officer/Station House In-charge subject to the further conditions that:-

- (i) That he shall join investigation and make himself available for questioning to a Police Officer as and when called upon to do so.
- (ii) That he shall not try and influence witnesses or tamper with the evidence in the subject FIR.

This application is allowed and disposed of accordingly.

MAY 02, 2016/sm

SIDDHARTH MRIDUL, J