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

+ BAIL APPLN. 1760/2016

SHYAM

..... Petitioner

Through Mr.Sumit Kumar, Adv.

versus

STATE

..... Respondent

Through Mr.M.P. Singh, APP with SI Uma
Datt, PS Mangol Puri.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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30.08.2016

The present application has been filed for the grant of anticipatory bail in FIR No.790/2016, under Section 308/34 IPC, Police Station Mangol Puri.

Arguments heard.

It has been admitted by the learned APP for the State that no weapon has been used by the petitioner/accused in the present case. The only submission made by the learned APP is that custodial interrogation of the petitioner is required for the purpose of finding out the whereabouts of the co-accused. This Court is of the considered opinion that arrest of the co-accused is the function of the police/investigating agency and the bail cannot be denied to a person just on the ground that police has failed to arrest the co-accused and the custodial interrogation of the person is required. No law permits

the interrogation of any accused for the purpose of searching of the co-accused.

In the above mentioned facts and circumstances, the petitioner is granted the anticipatory bail. It is ordered that in the event of arrest of the petitioner, he shall be released on bail on furnishing the personal bond in the sum of Rs.15,000/- with one surety in the like amount to the satisfaction of the arresting officer. The petitioner is directed to join the investigation as and when required. He is further directed not to tamper with the evidence and not to influence the prosecution witnesses. He is further directed not to leave the country without prior permission of the Court concerned.

Application is disposed of accordingly.

P.S.TEJI, J

AUGUST 30, 2016
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