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

+ **BAIL APPLN. 1718/2016**

AASH MOHD

..... Petitioner

Through: Mr. Anuj Sahni, Advocate

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Ashish Dutta, APP with SI
Naresh Kumar, PS Ranjeet Nagar

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
23.08.2016

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Crl. M.A. No.12964/2016

Exemption allowed, subject to all just exceptions. The application stands disposed of.

BAIL APPLN. 1718/2016

The petitioner has preferred the present application u/s 439 Cr PC to seek regular bail in case FIR No.33/2015 under Section 397/394/411/34 IPC. He has been in judicial custody since 15.01.2015.

The submission of learned counsel for the petitioner is that the petitioner is entitled to regular bail on the ground of parity inasmuch as the co-accused Mahfooz has already been released on bail vide order dated

11.09.2015 passed by learned ASJ. A copy of that order has been placed on record. He further submits that the charge sheet already stands filed and the petitioner is no longer required to remain in custody.

Having heard learned counsel for the petitioner, I am not inclined to allow the application. There is no question of parity between the petitioner's case as that of the co-accused. The order dated 11.09.2015 itself shows that the only charge against the co-accused is under section 411 IPC. On the other hand, the petitioner's role in the crime is much deeper and he has been charged under section 392/397/34 IPC.

The case of the prosecution is that the petitioner is a member of 'thak-thak gang'. PW-3, who has been examined, has deposed during his examination that the petitioner/ accused is the person who had initially knocked the window pane of driver side of his car, and put the knife at his neck and also caught held of his neck. PW-3 has identified the petitioner.

The other co-accused Mohd. Yusuf, it is informed by learned APP, has been apprehended on 08.06.2016 and his role is similar to that of the petitioner and he has not been released on bail either.

In these circumstances, I find no merit in this application. Dismissed.

VIPIN SANGHI, J

AUGUST 23, 2016

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