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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 50/2017
SRI OM @ OM YADAV Petitioner
Through: Mr.S.C.Sagar, Adv.
versus

STATE Respondent
Through: Mr.Raghuvinder Varma, APP for
State with SI Vikas Sahu, PS-Vikas
Puri

CORAM:
HON'BLE MR. JUSTICE I.S.MEHTA

ORDER
% **21.09.2017**

This is an application under Section 439 Cr.P.C. filed on behalf of the petitioner seeking grant of regular bail in case FIR No.333/2010, under Sections 363/328/342/302 IPC & under Section 25 Arms Act, registered at Police Station-Vikas Puri, Delhi.

Learned counsel for the petitioner submits that the petitioner is an innocent person and allegations alleged in FIR No.333/2010, under Sections 363/328/342/302 IPC & under Section 25 Arms Act, registered at Police Station-Vikas Puri, Delhi is false. Counsel for the petitioner further submits that out of 51 witnesses, 44 witness have been examined. He has further submitted that the material witness PW-44 Sh.Vinod Kadyan has turned hostile and has not supported the case of the prosecution. Counsel for the petitioner further submits that the remaining witnesses proposed to be examined by the prosecution are formal in nature. He further submits that the petitioner is in judicial custody since 17.12.2010 and submits that the trial is not likely to conclude in near future and the continued incarceration

of the petitioner will not serve any purpose and prays that the petitioner be released on regular bail.

On the other hand, learned APP for the State has vehemently opposed the bail application and has submitted that five witnesses are yet to be examined.

Looking in the above facts and circumstances, since the petitioner is stated to be in judicial custody since 17.12.2010 and the material witnesses have already been examined and the remaining witnesses proposed to be examined by the prosecution are formal in nature and further the material witness PW-44 Sh.Vinod Kadyan has not supported the case of the prosecution; no purpose would be served if the petitioner is kept in judicial custody as the trial is likely to take some time, consequently, the petitioner is granted bail on his furnishing a bail bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the concerned Court below with the condition that he shall not influence the prosecution witnesses; he shall not contact, threaten or coerce the victim or any of his/her family members or to indulge in any illegal activities; he shall not tamper the prosecution evidence and he should not leave India without prior permission of the Court below.

The present bail application is allowed and disposed of accordingly. However, this order shall not affect the merit of the case.

Copy of the order be given *dasti*, as prayed.

I.S.MEHTA, J

SEPTEMBER 21, 2017/sr