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

+ **BAIL APPLN. 268/2017**

SANJAY

..... Petitioner

Through: Mr. Khalil A. Ansari, Mr. S. N. Khan,
Mr. Mohammad Akhtar and Mr. Sunil
Sagar, Advocates.

Versus

STATE (GOVT OF NCT DELHI)

..... Respondent

Through: Mr. Ravi Nayak, Additional Public
Prosecutor for the State.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **15.11.2017**

The petitioner is in custody since 01.12.2010 i.e. for almost seven years now for the alleged murder of one Vijender, brother of the complainant. Seven persons were accused in the case and all of them have been granted bail except the petitioner. Two persons have been attributed the main role of inflicting grievous wounds upon the deceased; they are the petitioner and one Pawan. It is stated that the latter accused had been absconding for about four years, however, vide an order dated 28.09.2016, he has been enlarged on bail.

The petitioner seeks his release on parity with accused Pawan, the charges against whom are the same with the petitioner. He states that unlike Pawan, he was not declared a proclaimed offender but has been in incarceration for almost seven years. He submits that all material witnesses have been examined and only formal witnesses remained to be examined in the trial, which may take some time. The petitioner lives with his family in

Delhi. He was arrested at the age of 22 years. Evidently, the petitioner has deep roots in society.

Considering the above facts, no purpose would be served in keeping the petitioner behind bars. In the circumstances, he is enlarged on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the Trial Court concerned, subject to the following conditions:-

- (i) the petitioner will regularly appear on each and every date of hearing to be fixed by the Court concerned;
- (ii) the petitioner will not try to influence, contact or meet the complainant and prosecution witnesses in any manner;
- (iii) the petitioner will not leave the country without prior permission of the Court and the passport, if held by the petitioner, shall be deposited with the Trial Court concerned; and
- (iv) the petitioner will duly intimate his new address and contact number to the SHO/IO of the case (in case of change) under intimation to the Trial Court concerned.

The petition stands disposed off in the above terms

Nothing stated in this order shall be deemed to be an adjudication on the merits of the case.

The Registry is directed to send a copy of this order to the Jail Superintendent, concerned for information.

A copy of this order be given *dasti* to the learned counsel for the parties under the signatures of the Court Master.

NAJMI WAZIRI, J.

NOVEMBER 15, 2017/sb