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

+ **BAIL APPLN. 305/2017**

RUSTAM

..... Petitioner

Through: Mr.Ashok Thagal, Adv.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Ms.Kusum Dhalla, APP for State
SI Arjun Singh, PS-Khajuri Khas

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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22.02.2017

CRL.M.A.2956/2017

Exemption granted, subject to all just exceptions.

Accordingly, this application stands disposed of.

BAIL APPLN. 305/2017

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.424/2016, under Sections 498-A/304-B/34 IPC, registered at Police Station-Khajuri Khas, Delhi.

Learned counsel for the petitioner submits that the petitioner is an innocent person and allegations alleged in FIR No.424/2016, under Sections 498-A/304-B/34 IPC, registered at Police Station-Khajuri Khas is false. He further submits that the petitioner is the brother-in-law (Nandoi) of the deceased who was residing separately on the date of incident. He has further

submitted that during the investigation, nothing has been recovered at the instance of the petitioner and there is no iota of evidence qua against the present petitioner. Counsel for the petitioner further submits that investigation has already been completed and the charge sheet has already been filed. He further submits that the petitioner is in judicial custody since 24.05.2016 and not required for further investigation in the present case. He has further submitted that 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 the allegations levelled against the petitioner are very serious in nature. She further submits that the mother of the deceased in her statement has specified the role of petitioner. She further submits that the petitioner may influence the witnesses during trial, if released on bail.

What is emerging from the arguments as well as the facts on record is that the petitioner is the brother-in-law (Nandoi) of the deceased who was residing separately on the date of incident and the deceased died at her matrimonial house. It is an admitted case of both the parties that the petitioner right now is in judicial custody since 24.05.2016. Neither any specific role has been attributed nor any specific allegations have been made against the present petitioner. The investigation has already been completed and the petitioner is stated to be in judicial custody since 24.05.2016. 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.25,000/- 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 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

FEBRUARY 22, 2017/radhika