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

+ **BAIL APPLN. 619/2016**

MUZAFFAR IQBAL

..... Petitioner

Through : Mr. Ashutosh Bhardwaj, Adv.

versus

THE STATE (GOVT OF NCT DELHI)

..... Respondent

Through : Mr. Amit Gupta, APP for the State

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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31.07.2017

Learned counsel for the petitioner submits that as per the prosecution, petitioner along with his co-accused Akash Tyagi (since deceased) and Naim @ Chotu had gone to the residence of the deceased Radhey Shyam situated at Left Bank Colony, Kotwali, Roorkee and knocked the door of the house of the deceased which was opened by the PW5 Smt. Darshika, daughter-in-law of deceased. Accused told her that they want to meet the deceased. She went to other room to call the deceased. When the deceased entered in the room, petitioner and his co-accused fired shot him dead. PW10 Sh. Vikas Roorkiwala, son of the deceased and PW1 Manoj Kumar, driver of the deceased, chased them. However, but petitioner and his co-

accused succeeded in escaping. Petitioner and co-accused had murdered the deceased as a consequence of conspiracy hatched with other co-accused.

Learned counsel for the petitioner further submits that all other accused are on bail. PW5 Smt. Darshika, PW10 Shri Vikas Roorkiwala and PW1 Shri Manoj Kumar have not identified the petitioner in Court. Petitioner is in custody for the last about 11 years. All the material witnesses have been examined. Petitioner may be admitted to bail.

Learned APP for the State has opposed the grant of bail to the petitioner. It is contended that witnesses have not identified the petitioner as they were terrified. This fact has been observed by the trial court during the deposition of PW10. Gun, which was used by the petitioner in crime, was recovered. CDR record shows that petitioner was in constant touch with his co-accused.

Learned counsel for the petitioner has further contended that no scientific evidence is there on record to connect the gun, allegedly recovered from the petitioner, with the crime.

I have considered the rival contentions of the parties. Keeping in view the totality of the facts and circumstances of the case as detailed above, petitioner is admitted to bail, subject to his furnishing a personal bond in the

sum of ₹25,000/- (Rupees Twenty Five Thousand Only) with one surety in the like amount to the satisfaction of the trial court.

Bail application is disposed of in the above terms. Dasti.

A.K. PATHAK, J.

JULY 31, 2017
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