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

+ **BAIL APPLN. 592/2017 Crl. M.A. 5558/2017**

MANKOOSH ALI

..... Petitioner

Through: Mr. Jinendra Jain and Mr. Shekhar Raj
Sharma, Advocates

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Akshai Malik, APP

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **11.04.2017**

Crl. M.A. 5558/2017 (Exemption)

Allowed subject to just exceptions.

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The status report submitted under the signatures of the SHO, PS Sarai Rohilla is taken on record.

Investigation into FIR no.666/16 under Sections 394, 397, 457, 412, 34, 120 B IPC and sections 25 and 27 of Arms Act of PS Sarai Rohilla has since been completed and charge-sheet was submitted in the court of the Magistrate in January 2017. The case is at the stage of framing of charge.

The applicant was arrested in this case on 29.10.2016. The status report indicates that the arrest was caused primarily on the basis of the disclosure made by one Kasim who was apprehended at the spot alongwith one another. It appears during the course of

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investigation, the Investigating police took into possession CCTV footage of a CCTV system, which was operational in the vicinity, thus showing the presence of one Kasim and accused Kehkashan who is described in the charge-sheet as the girl friend of the applicant. It is the conclusion of the investigating police that the applicant was in regular and frequent telephonic contact with Kehkashan and Kasim and that the said Kehkashan had assisted the others in entering into the house of the victim for committing the offences alleged.

It was fairly conceded by the learned additional public prosecutor that there is no evidence indicating the presence of the applicant at the spot. His involvement in the conspiracy leading to the offence is inferred mainly on the basis of his contact with Kehkashan and Kasim.

In the facts and circumstances without commenting on the eventual effect or import of the evidence collected, it is a case where the applicant deserves to be released on bail. Thus, the applicant is released on bail on he furnishing a personal bond in the sum of Rs.20,000/- with one surety of like amount to the satisfaction of the trial court subject to the condition that he would not come in contact with or try to influence any of the prosecution witnesses and would not leave the National Capital Region (NCR) without prior permission of the concerned court.

Dasti.

R.K.GAUBA, J

APRIL 11, 2017

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