

\$~13

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1933/2016**
VIKRAM @ VICKY

..... Petitioner

Through: Mr.Mayank Mohan, Adv. with
Mr.K.K. Baghel, Adv.
versus

STATE OF NCT OF DELHI

..... Respondent

Through: Ms.Kusum Dhalla, APP for State

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

ORDER
% **31.01.2017**

The petitioner seeks bail under Section 439 Cr.P.C. in case FIR No.711/2014 registered under Sections 302/201/212/120B/34 IPC read with Section 25/27 Arms Act, at PS Prasad Nagar.

Learned counsel for the petitioner submits that the petitioner is an innocent person and has been falsely implicated in the present case. He further submits that the petitioner was arrested on 10.12.2014 and there is no iota of evidence to connect the petitioner either during the investigation or after recording the evidence of material witnesses before the trial court. He further submits that all the material witnesses have been examined by the Trial Court and they have not supported the version of the prosecution and that only formal witnesses are to be examined in the present case. He also

submits that the incident taken is based on the circumstantial evidence and at this stage there is no point where the prosecution can create or connect the petitioner with the offence mentioned in the aforesaid FIR. He further submits that there is no eye witness qua the incident. He also submits that no purpose would be served, if the petitioner is further kept in J.C and prays that the petitioner be released on bail.

Learned APP for the State opposes the bail application, however, admits on instructions of the Investigating Officer that all the material prosecution witnesses have been examined and only the formal witnesses are yet to be examined. She further submits that while dealing the present bail application, the merit of the evidence and sufficiency/insufficiency of the evidence should not be gone into.

It is an admitting fact emerging on the record that the petitioner is in J.C. since 10.12.2014. Further, it has come on record that all the material witnesses have been examined and only the formal witnesses remain to be examined. It is also an admitted fact coming on record that there is no eye witness qua the incident. The statement of witnesses i.e. PW-7 (Manoj), PW8 (Sumit), PW9 (Jyoti), PW11 (Akshay), PW14 (Rajesh), PW15 (Mohd. Ibrahim) & PW16 (Suman), who were examined, till date are not supporting the version of the prosecution. Further, the statement of these witnesses could be looked into on merit qua against the other circumstantial evidence at the stage of final arguments.

Considering the facts and circumstances of the case, the petitioner is admitted to bail on his furnishing personal bond in the sum of Rs.20,000/- with one surety in the like amount to the satisfaction of the Trial Court, with the condition that he shall not tamper with the prosecution evidence and that

he shall not leave the Country without prior permission of the Trial Court.

The bail application stands disposed of.

Copy of this order be given dasti, as prayed.

I.S.MEHTA, J

JANUARY 31, 2017//km