

\$~46

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

+ **BAIL APPLN. 884/2017**

VIPIN

..... Petitioner

Through: Mr.Pradeep Chowdhary and
Mr.Vikram Chowdhary, Advocates.

versus

STATE (GNCT OF DELHI)

..... Respondent

Through: Mr.Hirein Sharma, APP for State.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

07.09.2017

%

This is an application under Section 439 Cr.P.C. filed on behalf of the petitioner Vipin for grant of bail to him in case FIR No.243/2012, under Sections 302/396/34 IPC, registered at Police Station Hari Nagar, Delhi.

Learned counsel for the petitioner has submitted that the petitioner is in judicial custody in this case since 17.07.2012. Counsel further submits that there is no eye witness to the incident and the only allegation against the present petitioner is that of last seen circumstance. There is no eye witness to the last seen circumstance also and the only evidence against the petitioner is that of CCTV footage. He further submits that the CCTV footage *ipso facto* does not connect the whole chain of circumstances leading to the commission of the alleged offence and prays that the petitioner may be released on regular bail.

Learned APP for the State opposes the bail application and has submitted that the statement of PW-19 Vinod goes against the present petitioner, who in his statement has specifically stated that on the day of the incident Vipin (present petitioner) was seen in the company of the deceased.

Learned APP has further submitted that PW-11 Lakhan stated to PW-19 Vinod that on the day of the incident he had seen Vipin in the company of the deceased and the CCTV footage also verifies the said fact and further submitted that an amount of Rs.3,000/- each was recovered from all the accused persons on the basis of disclosure statement of PW-11 Lakhan. He further submits that the basis of last seen circumstance qua against the present petitioner is on the basis of CCTV footage and the alleged recovery of Rs.3,000/- each from all the accused persons and further submits that the trial is at the fag end and submits that there is no merit in the bail application and the same is liable to be dismissed.

Looking into the above facts and circumstances, what is emerging at this stage is only the last seen circumstance against the petitioner and the recovery of Rs.3,000/- from all the accused persons. What is further emerging on record is that there is no eye witness to the incident. In these circumstances, since the petitioner has already remained in judicial custody for about 6 years, I admit the petitioner on bail, on his furnishing bail bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the concerned Trial Court/MM with the condition that he shall not leave the country without prior permission of the concerned Court and he shall not tamper with further prosecution evidence.

The present bail application is allowed and stands disposed of accordingly. However, this order shall not affect the merit of the case.

Copy of this order be given *dasti*, as prayed.

I.S.MEHTA, J

SEPTEMBER 07, 2017/‘dc’