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

+ **BAIL APPLN. 939/2017**

ASHISH KUMAR

..... Petitioner

Through: Mr Aditya Gaur, Advocate

versus

STATE (GOVT OF NCT DELHI)

..... Respondent

Through: Mr. Tarang Srivastava, APP with SI
Rajender, PS Maya Puri

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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24.05.2017

Crl. M.A. 8400/2017 (Exemption)

Allowed subject to just exceptions.

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Status report has been submitted.

Heard. The case diary perused.

The petitioner was arrested on 04.04.2016, primarily on the basis of disclosure by co-accused Pankaj Nargari @ Danny @ Nepali. Concededly, there is no evidence indicating presence of the petitioner at the time of robbery. It is stated against him that he was using mobile phone no.7210614091 by which he was coordinating and giving information to the prime perpetrator of the crime regarding the movement of the complainant. Concededly, the said phone is not registered in the name of the petitioner. There is no other evidence available at this stage indicating the actual use of the said phone by the petitioner, the allegations in this regard being founded on the basis of disclosures. The main evidence against the petitioner is recovery of an amount of Rs.23,500/- which allegedly was part of the amount of Rs.33,000/- which had been received by him from the stolen

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property.

In the above facts and circumstances, where the trial is likely to take some time to conclude, the application is allowed. The case for release on bail is made out. Granted accordingly subject to the following conditions:-

- (i). The petitioner shall furnish personal bond in the sum of Rs.20,000/- with one surety in like amount to the satisfaction of the trial court.
- (ii). Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the trial court.
- (iii). He shall scrupulously appear at each and every stage of the proceedings before the trial court so as not to cause any obstruction or delay to its progress.
- (iv). He shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.
- (v). He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence; and
- (vi). He shall not leave India without the previous permission of the trial court.

The bail application is disposed of in these terms.

A copy of this order shall be transmitted to the jail authorities and to the trial court.

Dasti.

MAY 24, 2017/yg

R.K.GAUBA, J