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

+ BAIL APPLN. 2029/2016

MANOJ GUPTA

..... Petitioner

Through: Mr. Vikas Jain, Advocate.

Versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Amit Chadha, APP for State with
Insp. Tribhuvan Negi, P.S. NDRS.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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13.12.2017

The petitioner seeks bail. He is accused of being an accomplice in the murder of one Shri Santosh Sharma. The role he is accused of is that he had beaten the deceased and also held his arms while the co-accused Santosh Gupta stabbed Santosh Sharma to death. There are four accused in the case. It is the prosecution's case that murder of the deceased was pre-meditated. One of them was the driver of the vehicle, namely, Kapil Gupta, who has since been released on bail.

The prosecution's evidence has been recorded except for the evidence of the Investigating Officer (I.O.). The next date for recalling of evidence is 15.01.2018. The Court is of the views that petitioner cannot have any sway over the IO, if he is enlarged on bail.

The petitioner has a family comprising of his wife, a son and daughter aged about 18 years and 11 years respectively. It is not the prosecution's case that since the release of Kapil Gupta there has been any misuse of the liberty granted to him or tampering of evidence or his trying to influence the proceedings in any way. In so far as the co-accused who allegedly was

equally involved in a pre-meditated murder has been enlarged on bail and the prosecution evidence is nearly complete, the Court is of the view that a case for grant of bail is made out.

In the circumstances, the petitioner is enlarged on bail subject on his furnishing a personal bond in the sum of Rs. 50,000/- with one surety of the like amount to the satisfaction of the Trial Court, subject to the following conditions:-

- (i) the petitioner will regularly appear on each and every date of hearing to be fixed by the Court;
- (ii) the petitioner will 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;
- (iii) the petitioner will not leave the country without prior permission of the Court and the passport, if held by the petitioner, shall be deposited with the Trial Court; and
- (iv) in case of change of his address or telephone the petitioner will promptly intimate it to the SHO/ IO of the case as well as to the Trial Court.

The application stands disposed off in the above terms. Nothing stated in this order shall be deemed to be an adjudication on the merits of the case.

The Registry is directed to send a copy of this order to the Jail Superintendent, concerned for information. Its copy shall also be served on the Jail Superintendent through the police.

DECEMBER 13, 2017/RW

NAJMI WAZIRI, J.

