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

+ BAIL APPLN. 2188/2016

ANIL YADAV

..... Petitioner

Through: Mr. Shyamal Kumar and
Mr. Nagendra Nath Singh, Advocates

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Hirein Sharma, APP for State
with SI Rajpal, PS Uttam Nagar

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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26.07.2017

1. The petitioner seeks regular bail under Section 439 Cr.P.C. in case FIR No.1515/2014 dated 18.12.2014 registered under Sections 302/34 IPC at P.S. Uttam Nagar, New Delhi. Status report is on record.
2. Learned counsel for the petitioner has submitted that the petitioner is an innocent person having no nexus with the alleged incident. Learned counsel for the petitioner further submitted that as per the FIR also the dispute took place between the deceased and one other accused, namely, Laloo Yadav on the issue of parking of cycle rickshaw (*Rehri*); the present accused/petitioner caught hold of the deceased and he is not the assailant. It has been further submitted on behalf of the petitioner that as per the FIR the other accused, namely, Laloo Yadav, who hails from the petitioner's village was the main accused who hit the wooden stick blow on the head of the deceased which resulted in the death of the deceased at the spot and declared

dead when he was taken to the hospital immediately thereafter. It is further submitted that the date of incident is the intervening night of 17th and 18th December, 2014 and the present petitioner was arrested on the same day from the spot and the petitioner is in judicial custody (J/C) since then. He further submitted that no purpose would be served if the present petitioner is kept further in J/C. It is also submitted that the petitioner is a poor labourer belonging to State of Bihar and trial is likely to take some more time and submitted that the petitioner be released on bail.

3. On the other hand, learned APP for State vehemently opposed the bail application. It is submitted that the petitioner is facing trial under Sections 302/34 IPC and the petitioner is named in the FIR. It is further submitted that he instigated the main accused resulting into the blow on the person of the deceased who died at the spot.

4. A bare perusal of the FIR indicates that the quarrel in the present case has taken place on the intervening night of 17th & 18th December, 2014 on the issue of parking of the cycle rickshaw and the petitioner is in J/C since 18.12.2014. The trial in the present case is likely to take some more time and allegation qua against the present petitioner is of the instigation to the main accused. Considering the facts and circumstances of the case, the petitioner is admitted to bail on his furnishing a personal bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the concerned Court with the following conditions that he shall not influence the prosecution witnesses; he shall not tamper the prosecution evidence; he shall not visit the house of the complainant/family of the deceased; he shall not contact/communicate, threaten or coerce the complainant/family of the deceased; he shall not indulge in any illegal activities; he shall not leave

India without prior permission of the concerned Court. It is, however, clarified that this order shall not affect the merits of the case.

5. The present bail application is allowed and disposed of accordingly.

I.S.MEHTA, J

JULY 26, 2017

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