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

+ **BAIL APPLN. 2233/2016**

RAJU TIWARI

..... Petitioner

Through: Mr.Jitender Tyagi, Adv.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Ms.Kusum Dhalla, APP for the State
Inspector Vikram Singh, P.S.
Sangham Vihar

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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20.04.2017

The petitioner seeks bail under Section 439 Cr.P.C. in case FIR No.240/2014, registered under Sections 307/302/34 IPC at Police Station Sangham Vihar.

Learned counsel for the petitioner submits that the petitioner has been arrested in the aforementioned FIR. He further submits that there is an eye witness namely Ajay, who has not supported the prosecution version. He also submits that there is no other eye witness except the aforesaid Ajay, as per the prosecution version. He further submits that there is no circumstantial evidence qua against the present petitioner, however if at all there is any evidence that could be qua against the remaining accused persons. He also submits that there is no other public witness or the circumstantial evidence left to be

examined, which evidence could be read against the present petitioner. He also submits that the trial is going on and it will take considerable time and prays that the petitioner be released on bail.

On the other hand, learned APP for the State vehemently opposes the bail application, while submitting that the statement of the injured Ajay could be read in the total circumstantial evidence and not as the isolated evidence. She further submits that there is a scientific evidence qua against the present petitioner, however, the public witnesses have already been examined.

Without commenting on the merit of the case, since the public witnesses have already been examined and the only eye witness has not supported the prosecution version and the trial is likely to take considerable time, in these circumstances I admit the petitioner on bail on his furnishing bail bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the Trial Court, with the further condition that he shall not tamper the prosecution evidence and that he shall not leave the Country without prior permission of the Court below.

This bail application will not have any effect on the merit of the trial and the case.

The present bail application is allowed and disposed of accordingly.

Copy of this order be given dasti, as prayed.

I.S.MEHTA, J

APRIL 20, 2017/km