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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1344/2017**
NITIN

..... Petitioner

Through: Mr.Amit Vohra, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr.Panna Lal Sharma, APP for State
with SI Hans Raj, P.S. Prashant
Vihar, Delhi.

CORAM:
HON'BLE MR. JUSTICE I.S.MEHTA

ORDER
04.08.2017

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This is an application under Section 439 Cr.P.C. filed on behalf of the petitioner for grant of bail in case FIR No.797/2015, under Sections 364/365/302/201/120-B/34 IPC, registered at Police Station Prashant Vihar, Delhi.

Learned counsel for the petitioner has submitted that the petitioner is an innocent person and the allegation as alleged in the FIR is false and baseless. Counsel further submits that the petitioner is in judicial custody since 30.11.2015. Counsel further submits that there is only one eye witness in the instant case named Sagar Kataria, who has been examined in the Court and has not identified the present petitioner. Counsel further submits that the petitioner has not been identified during the TIP proceedings too and, therefore, the very purpose of keeping the petitioner in judicial custody

will be a futile exercise and submits that since the trial is likely to take some more time, the petitioner may be released on bail.

Status report has been filed by the State. Learned APP for the State vehemently opposes the bail application and submitted that the photographs of the incident have been sent to the CFSL for examination. Learned APP, on instructions, however, submits that the petitioner has not been identified by the witness during the trial.

Looking into the above facts and circumstances, since the petitioner is not identified by the witness during the trial and TIP proceedings and that the petitioner is in judicial custody since 30.11.2015 and the trial is likely to take more time, in these circumstances, 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 Court concerned with the condition that:

- (1) The petitioner shall not leave the country without prior permission of the Court concerned.
- (2) The petitioner shall not tamper with the prosecution evidence.

The bail application is allowed and stands disposed of in the above terms.

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

I.S.MEHTA, J

AUGUST 04, 2017
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