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

+ **BAIL APPLN. 1370/2017**

AFROZ

..... Petitioner

Through: Mr.Ajay Raj Singh & Mr.Shabbir Ali,
Advocates

versus

STATE

..... Respondent

Through: Ms.Kusum Dhalla, APP for the State
with SI Ranvir Singh PS Jamia Nagar

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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28.07.2017

1. By way of this application filed under Section 438 Cr.P.C., the petitioner is seeking anticipatory bail in case FIR No. 446/2017, under Sections 25/54/59 of Arms Act and 336/506 IPC, registered at PS Jamia Nagar, Delhi.
2. Status report on behalf of the State has already been filed.
3. Learned counsel for the petitioner submits that the main accused Shah Alam has been granted protection to the extent that notice shall be required to be given before arrest and his case is also on identical footing.
4. Perusal of the order dated 17th July, 2017 shows that while dismissing the second application by the present petitioner seeking anticipatory bail, the

learned ASJ has noted that the applicant is required to participate in Test Identification Parade.

5. Learned counsel for the petitioner submits that petitioner does not dispute his presence at the spot hence no TIP is required. He further submits that this fact was mentioned in the second application seeking anticipatory bail.

6. When learned counsel for the petitioner has been asked to show the copy of the second application seeking anticipatory bail and admitting his presence at the spot, learned counsel submits that it was orally mentioned by the counsel for the petitioner at the time of arguing the second application seeking anticipatory bail. However, no such submission has been noted in the order dated 17th July, 2017.

7. At this stage, learned counsel for the petitioner seeks permission to withdraw this petition with liberty to seek his remedy as per law.

8. The petition is dismissed as withdrawn granting the liberty as prayed for.

PRATIBHA RANI, J.

JULY 28, 2017

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