

\$~10

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

+ **BAIL APPLN. 1576/2017**

WAZID

..... Petitioner

Through: Mr. Karan Tyagi, Advocate.

versus

THE STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Amit Chadha, APP for State.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

%

15.11.2017

The petitioner seeks bail. He has been behind bars for almost 500 days, i.e., from 03.05.2016 for charges under Section 393/394/398/323 of IPC in FIR No. 195/2016, Police Station-Gandhi Nagar.

The allegation is that the petitioner entered the house of the complainant with the intention to rob her of her valuables; his face was partially covered with a handkerchief which was tied around his head; there was a scuffle with complainant during which the handkerchief fell down. The learned counsel for the petitioner submits that this handkerchief was not recovered from the site of the alleged crime, the accused is stated to have bitten the complainant on her left hand index finger. He emphasises that in the medical examination the doctor has found only scratch on her left index finger. It is the prosecution's case that when the complainant raised an alarm her family and neighbours apprehended the accused from the site. The petitioner denies the allegations and claims to be a victim of trumped-up charges.

The prosecution's evidence has been recorded except for the evidence of two witnesses, i.e., Investigation Officer and another policeman. The Court is of the view that the petitioner cannot influence the remaining two witnesses, hence his further custody would not be necessary at this stage.

In the circumstances, this Court is of the view that he be released on bail upon furnishing a personal bond of Rs. 25,000/- with a surety of the same amount to the satisfaction of the Court concerned, subject to the conditions that:

- (i) The petitioner shall 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 or tamper with the evidence.
- (ii) The petitioner shall not make any effort to evade the process of law; and
- (iii) The petitioner shall furnish his phone number to the police and in case of change of the phone numbers or address, the petitioner shall inform the police forthwith.

No part of this order shall have a bearing on the merits of the case.

The petition is disposed off.

A copy of this order be given *dasti* to the learned counsel appearing on behalf of the parties under the signature of the Court Master.

NAJMI WAZIRI, J

NOVEMBER 15, 2017

RW