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

+ **BAIL APPLN. 1514/2017**

VAIBHAV KUMAR

..... Petitioner

Through: Mr.Satish Tamta, Senior Advocate
instructed by Mr.Abhishek Vikram
and Mr.Shariq Iqbal, Advocates.

versus

STATE

..... Respondent

Through: Mr.Kewal Singh Ahuja, APP for the
State with SI Suresh Chand, PS
Rajouri Garden.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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04.08.2017

CrI.M.A. No.12535/2017

1. Exemption allowed subject to all just exceptions.
2. Application is disposed of.

BAIL APPLN. 1514/2017

1. The petitioner has filed the instant application under Section 439 Cr.P.C. seeking his release on regular bail in the case arising out of FIR No.1525/2014 under Sections 326A/392/394/397/120-B/411/34 IPC registered at PS Rajouri Garden, Delhi.

2. Notice. Learned APP for the State accepts notice.

3. Status report has been filed by the State.

4. Mr.Satish Tamta, learned Senior Advocate has sought the release of the petitioner on bail mainly on the following grounds:-

- (i) The petitioner is in custody since 26th December, 2014.
- (ii) The prosecution has cited 52 witnesses out of which till date only 12 witnesses have been examined which include all the material witnesses

except father of the victim/complainant.

(iii) Father of the victim/complainant is not an eye witness.

(iv) As per prosecution, there is only a recovery of bag from the petitioner and except circumstantial evidence, there is no other evidence against the petitioner.

(v) The messages, transcript of which are placed on record, are general in nature and could not be deciphered to prove his involvement in the occurrence.

(vi) The evidence to be produced now is in electronic form and there is no possibility of same being tampered by the petitioner.

5. Mr.Kewal Singh Ahuja, learned APP for the State has drawn the attention of this Court to page No.52 and 53 of this petition which is part of the chargesheet wherein role of the petitioner Vaibhav as well the recovery made from him and his linkage with the case has been mentioned in detail.

6. Learned APP for the State has contended that the petitioner herein was not only part of conspiracy but he was actively involved with co-accused Dr.Ashok in planning as well in getting the plan of throwing acid on the victim Dr.‘A’ (name withheld to conceal her identity) so as to ensure that she does not get married to the person of the choice of her family.

7. As per the chargesheet, the victim/complainant Dr. ‘A’ was working in ESI Hospital and on the date of occurrence i.e. on 23rd December, 2014 she was going to the hospital on her scooty when one the way, acid was thrown on her and her purse was also snatched.

8. The investigating agency solved the case with the help of CCTV Cameras installed near the place of occurrence and various CCTV Cameras installed on the route taken by the victim/complainant from her house for

going to hospital as well from the call detail record of the victim which was put on surveillance and call detail record of Dr.Ashok who is alleged to be the mastermind of the conspiracy. The call details record of Dr.Ashok Yadav led to the petitioner Vaibhav as the mobile number, which was registered in the name of Laxmi – mother of the petitioner, was being used by the petitioner at that time. Interrogation of petitioner led to the arrest of the juveniles who were also allegedly hired by him to execute the plan.

9. While considering the bail application, this Court does not have to decipher the messages exchanged between the petitioner and his co-accused. Merely because the material witnesses have been examined, in itself is no ground to enlarge the petitioner on bail. Similarly, long incarceration or examination of the material public witnesses and the remaining evidence being in electronic form or police officials thereby ruling out the possibility of being influenced by the petitioner also cannot be made a ground to release the petitioner on bail because it is a case where the complainant was a victim of acid attack.

10. Taking into consideration that in the alleged conspiracy to throw acid on the complainant and its execution, the petitioner herein has allegedly played an active role and in view of the nature and gravity of the offence, I do not find it to be a fit case to enlarge the petitioner on bail.

11. The bail application is dismissed.

PRATIBHA RANI, J.

AUGUST 04, 2017/ 'st'