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

+ **BAIL APPLN. 1644/2017**

SHANKAR

..... Petitioner

Through: Mr. Puneet Mittal, Sr. Adv. with Mr.
Rahul Malik, Adv.

versus

THE STATE NCT OF DELHI

..... Respondent

Through: Ms. Meenakshi Dahiya, APP.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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15.11.2017

It is not in dispute that PW3 Ravi, PW4 Sandeep Gupta and PW5 Shibbu P.K. Krishnan have not supported the prosecution case as none of these witnesses have identified the petitioner. There is no other eye witness except these three witnesses. The weapon of offence, which was allegedly recovered from the car was sent to FSL but as per the FSL report fired cartridges recovered from the spot were not fired from the said weapon. Petitioner was not apprehended at the spot. He was apprehended after 4 hours of the incident.

Learned APP submits that though the eye witnesses have not supported the prosecution case as regards the identity of petitioner, yet there are other circumstantial evidence against him. Finger prints of the petitioner

were found in the Scorpio car which was used in the crime. Blood stains were also found in the car which has matched with the DNA profile of the petitioner. Location of mobile of the petitioner was also found near the spot. Apart from the present case, petitioner is also involved in two other cases.

Learned senior counsel for the petitioner submits that petitioner has already been acquitted way back in those two cases which were under Sections 323/341/506/34 IPC and Sections 354/34 IPC respectively.

Keeping in mind totality of the facts and circumstances, petitioner is admitted to bail subject to his furnishing a personal bond in the sum of ₹25,000/- with one surety in the like amount to the satisfaction of the trial court.

Bail application is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

NOVEMBER 15, 2017

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