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

+ **BAIL APPLN. 1648/2017**

DEEPAK SHARMA Petitioner

Through: **Mr.Vivek Sharma, Adv.**

versus

THE STATE Respondent

Through: **Mr.Arun Kr.Sharma, APP.**
SI Gajendra Singh, P.S.Mahendra Park.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **16.10.2017**

The petitioner seeks bail in connection with FIR No.10/2016 dated 06.01.2016 (P.S.Mahendra Park) instituted for the offences under Sections 393/394/397 and 34 of the IPC.

The complainant has averred that while he was coming to his house on a bicycle, he was waylaid by two young miscreants, who threatened him to deliver up all his valuables. In the process, the complainant was hurt on his right palm by means of a sharp weapon. The petitioner is said to have refused to participate in the Test Identification Parade.

The petitioner is in custody since 08.01.2016.

This Court has been informed that five prosecution witnesses including the complainant have been examined at the trial.

Mr.Arun Kr.Sharma, APP while opposing the prayer for bail has stated that the co accused has not yet surrendered to the process of law and has remained absconding till date. He further submits that only five prosecution witnesses are left to be examined.

Regard being had to the aforesaid facts especially the custody of the petitioner, the fact that the complainant of this case has already been examined and that the petitioner has participated in the trial, this Court is inclined to release the petitioner on bail.

The petitioner is directed to be released on bail on his furnishing a bond in the sum of Rs.5000/- with one surety of the like amount to the satisfaction of the Trial Court.

It is, however, made clear that the petitioner shall participate in the trial and his absence from the trial proceedings on two consecutive occasions without there being any plausible cause for it, shall entitle the Trial Court to proceed against the petitioner for cancellation of the bail granted to him.

The application is allowed.

Dasti.

ASHUTOSH KUMAR, J

OCTOBER 16, 2017

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