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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 2314/2017

MOHIT

..... Petitioner

Through: Mr.Gaurav Kochar, Advocate

versus

THE STATE GOVT OF NCT OF DELHI Respondent

Through: Mr.Panna Lal Sharma, APP for State
with SI Manoj K. Tomar
Complainant Sarju Prasad in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **23.11.2017**

The Investigating Officer has identified the complainant.

On behalf of the applicant, it has been submitted that the applicant has been falsely implicated in the present case and is in custody since 3.3.2017 and that the other co-accused in the instant case, one being a juvenile, named, Salman and another co-accused Yusuf are presently on bail and two other accused that is the present applicant and the co-accused Raheesh are in custody and it has been submitted that no useful purpose would be served with further incarceration of the appellant in custody inasmuch as the charge sheet in the case has already been filed.

Reliance has also been placed on behalf of the applicant on the affidavit of the complainant stating to the effect that the applicant was not the person present at the time of the alleged commission of the offences on 2.3.2017 under Sections 392/397/506/411/34 IPC, 1860.

On behalf of the State, the application has been vehemently opposed submitting to the effect that the applicant along with other co-accused in broad day light at about 1:20 p.m. looted the complainant and the same had been done by pointing a paper cutter blade. It has been submitted on behalf of the State that the applicant is the main culprit in the instant case and that a recovery of one Katta of 40 Kg of copper, was made from the applicant and the motorcycle bearing No. DL 5S AX 2522 on which the applicant and that the other co-accused came, belongs to the applicant's brother Bhopal Singh.

A perusal of the charge sheet on record filed on behalf of the State indicates it has been submitted on behalf of the State that the applicant has refused to participate in the Test Identification Parade proceedings and an adverse inference has thus been drawn against him.

A perusal of the charge sheet on the record indicates that one of the accused, namely, Salman had agreed to participate in the Test Identification Parade but was not identified by the complainant. The factum that one of the accused was also not identified by the complainant even in the Test Identification Parade proceedings and that the applicant has been in custody since 3.3.2017 and the recovery has already been effected and there is no further investigation left to be conducted and that the chargesheet has already been filed and the factum that there are no previous adverse antecedents against the applicant, aged 21 years, the applicant is allowed to be released on bail on furnishing a personal bond in the sum of Rs.50,000/- with two sureties in the like amount to the

satisfaction of the learned trial court with the directions that the applicant shall not leave the country and shall not intimidate the witnesses in any manner and shall not tamper with the evidence.

The application is disposed of accordingly.

A copy of order be given *dasti*, as prayed.

ANU MALHOTRA, J

NOVEMBER 23, 2017/sv