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

+ **BAIL APPLN. 251/2018**

PARTH SHARMA

..... Petitioner

Through: Mr. Sumit Choudhary, Advocate

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Ashish Dutta, APP for the State
with SI Sonu Singh, PS Gazipur.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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05.07.2018

The petitioner is facing trial in sessions case no. 1422/2016 on the basis of report under Section 173 Cr.P.C. submitted by the police after investigation into FIR No. 507/2014 of police station Gazipur involving offences punishable under Sections 302/201/202/34/120-B IPC. The case involves the culpable homicide allegedly amounting to murder of Vinod Kumar, son of Richipal. There is no direct evidence available, the case involving Nikhil Rana as the prime accused. The role attributed to the petitioner, who is co-accused in the crime, is that he was the rider of the motorcycle on which Nikhil Rana had travelled to the place of incident to commit the crime, thus, he having abetted by aiding the said person.

The learned counsel for the complainant who is present to oppose the application and learned additional public prosecutor on being pointedly asked state that there is no witness identifying or locating the presence of the

petitioner at or about the place of incident around the time of the alleged incident. The case is based primarily on three circumstances against the petitioner; they including, one, that there was a motive of Nikhil Rana to liquidate the victim on account of political rivalry and dispute over property; second, that the motorcycle which was used in the crime, as disclosed by the petitioner and Nikhil Rana, was recovered at the instance of the petitioner; and, three, that the call detailed records of the mobile phones of the petitioner and Nikhil Rana show they were not used during the period 8.30 p.m. to 10.30 p.m. the murder having taken place around 9.30/10.00 p.m. on 21.07.2014.

The learned counsel for the complainant and the prosecutor confirmed that there is no evidence showing that the dispute between Nikhil Rana on one hand and the deceased on the other on the political issues or the property involved in any manner directly or indirectly relate to the petitioner. They also confirmed that aside from disclosure there is no evidence showing use of the motorcycle in question in the crime.

In the above facts and circumstances, without commenting on the merits or demerits of the charge against the petitioner, a case for bail is made out. Granted accordingly subject to the following conditions:-

- (i). The petitioner shall furnish personal bond in the sum of Rs.50,000/- with one surety in like amount to the satisfaction of the trial court.
- (ii). Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the trial court.
- (iii). He shall scrupulously appear at each and every stage of the

proceedings before the trial court so as not to cause any obstruction or delay to its progress.

(iv). He shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(v). He 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; and

(vi). He shall not leave India without the prior permission of the trial court and to ensure due compliance with this condition and shall deposit his passport, if he holds one, with the said court; and

The bail application is disposed of in these terms.

A copy of this order shall be transmitted to the jail authorities and to the trial court. *Dasti*.

JULY 05, 2018/nk
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R.K.GAUBA, J.

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