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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 368/2018**

FARUKH

..... Petitioner

Through: Mr. S.M. Ansari, Advocate

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Raghuvinder Varma, APP
Inspector Ravi Kant, SHO, P.S.
Karawal Nagar

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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01.03.2018

At the outset, it is submitted on behalf of the petitioner that there is a typographical error in the list of dates mentioning that the FIR was registered at the instance of the eye witness Roman and it is said to be read to the effect that the FIR was registered under Section 302 of the Indian Penal Code, 1860 at the instance of witness Roman. The said submission is considered.

Arguments on behalf of the applicant have been advanced. It has been submitted that he has been falsely implicated in the instant case. Vide order dated 23.12.2017 passed by the Special Judge (NDPS)/ASJ/NE/KKD/Delhi whereby the charges have been framed on the alleged commission of offence punishable under Section 411 of the Indian Penal Code, 1860 with the charges under Section 302 read with Section 394 of the Indian Penal Code, 1860 having been framed against the co-accused Nitesh Kumar. It has been submitted on behalf of the applicant that the co-accused Nitesh had come to his shop for selling stolen articles and even if it

is presumed that the petitioner has purchased the alleged stolen articles, the aspect as to whether he has purchased the same with knowledge that they were stolen is a matter of trial. The application is vehemently opposed on behalf of the State on the ground that the stolen gold ear rings and chain of the murdered lady were recovered from the applicant and the application is thus opposed.

The allegations qua the offence punishable under Section 411 of the Indian Penal Code, 1860 is put forth in the status report against the applicant to the effect that he had lured the co-accused Nitesh in the hope of receiving a handsome amount is apparently and admittedly on the basis of the disclosure statement made by the co-accused Nitesh to the investigating agency. The applicant is stated to be 46 years of age with no previous adverse antecedents. It has also been stated on behalf of the State that the stolen articles have been recovered from the house of the applicant. The investigation is complete.

Taking into account the totality of the circumstances, the applicant is allowed to be released on bail on his furnishing a bail bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the Trial Court subject to the condition that the applicant shall not tamper with the evidence in any manner and shall not intimidate the witnesses and shall not leave the country without permission of the Trial Court.

Copy of the order be given *dasti* under the signature of the Court Master.

ANU MALHOTRA, J

MARCH 01, 2018/ns