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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 700/2018 and CrI.M.A. No.5831/2018**

AKASH

..... Petitioner

Through: Mr.Ravinder Kumar, Advocate

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Ashish Dutta, APP for State

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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31.05.2018

Vide the present petition, the applicant seeks grant of bail submitting that the applicant has been falsely implicated in the instant case and has been in custody since 2.11.2017 and that the charge sheet has been filed and no useful purpose would be served by continuing the incarceration of the applicant and further more, the applicant was not arrested at the spot and is not named in the FIR and it is further submitted that the applicant had himself surrendered in pursuance to the NBW issued by the Trial Court. Learned counsel for the applicant submits that the refusal of the applicant for participation in the TIP proceedings cannot necessitate the drawing of an adverse inference against him because the photograph of the applicant was shown by the Investigating Officer to the witness.

On behalf of the State, it has been submitted that there are allegations against the applicant along with the co-accused who is in

custody and the applicant has refused to participate in the Test Identification Parade.

Without any observation on the merits or demerits of the case and on a perusal of the averments made in the FIR, the factum of refusal of the applicant to participate in the TIP proceedings coupled with the allegations in the FIR allegedly against the co-accused Puneet who was arrested on the identification of the complainant and the other co-accused stated to be the applicant in this case had allegedly fired on the head and nose of the injured as a consequence of which the injured was profusely bleeding, no ground is made out for bail in the instant case.

The bail application is dismissed accordingly.

ANU MALHOTRA, J

MAY 31, 2018/sv