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

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Judgment delivered on: 24.05.2018

+ BAIL APPLN. 784/2018

ANIL ALIAS BHOLA

..... Petitioner

versus

THE STATE (NCT OF DELHI)

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. U.K. Giri, Adv.
For the Respondent : Ms. Neelam Sharma, Addl. PP for the
State with SI Braham Prakash

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

24.05.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner seeks regular bail in FIR No. 727/2017 under Sections 394/397/411/34 of the IPC read with Section 25/27 of the Arms Act, 1959 registered at Police Station Ranhola, New Delhi.

2. The allegations against the petitioner are that the complainant along with his friends were standing when they saw that three boys who were on white scooty had stopped a TSR auto driver and one of them had taken out a pistol pointing it towards the TSR driver and when the complainant along with his friends wanted to help the auto

driver, the pistol was shown to them and when they tried to overpower the assailants then two of the assailants took out the pepper spray and spread in their eyes. Thereafter the three boys snatched the complainants gold chain, credit card, Aadhar card and cash of Rs. 700-800/- and ran away from the spot.

3. The petitioner is alleged to have been arrested after five days of the alleged incident allegedly committing another theft.

4. Learned Addl. PP submits that a bottle of pepper spray was recovered from his pocket and further though the petitioner had refused TIP, he was identified by the complainant in the Court.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated. Learned counsel for the petitioner further disputes the alleged recovery and seizure of bottle of pepper spray from the possession of petitioner and also the manner of arrest of the petitioner. He submits that the petitioner was shown to the complainant illegally and the complainant has stated that he had gone to court to enquire about his stolen articles and saw the petitioner in Court thereafter he is alleged to have identified the petitioner.

6. The petitioner has been in custody since 27.10.2017.

7. Without commenting on the merits of the case, perusal of the record shows that the petitioner has made out a case for grant of bail.

8. Accordingly, petitioner is directed to be released on bail on his furnishing a personal bond of Rs. 25,000/- with one surety of the like amount to the satisfaction of the trial court, if not required in any other case. The petitioner shall not do anything which may prejudice either the investigation or the prosecution witnesses.

9. The petition is allowed in the above terms.

10. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

MAY 24, 2018
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