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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1133/2018**

VINAY @ VIRU

..... Petitioner

Through: Mr. S.K. Rai, Advocate

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Amit Gupta, APP with SI
Bhagirth, PS Sunlight Colony.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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29.08.2018

The petitioner seeks regular bail. He states that he has not been identified by any of the witnesses. Therefore, the prosecution against him is entirely misdirected and he ought to be released on bail.

The bail is opposed on the ground that *de hors* the witnesses turning hostile, there is enough evidence to convict the petitioners. However, the crucial element to be seen is whether the petitioner was the person who had committed the crime. He says that no witness or evidence has come forward implicating him. According to the petitioner, the prosecution has not brought any ocular evidence whatsoever to prove the aforesaid charge. He argues that the prosecution relies upon the Call Detail Records of the mobile phone of the said persons.

In view of the above, the case is made out for grant of bail. The petitioner is enlarged on bail on his furnishing a personal bond in the sum of Rs.25,000/- with two sureties of the like amount to the satisfaction of the

Trial Court concerned, subject to the following conditions:-

- (i) the petitioner will regularly appear on each and every date of hearing to be fixed by the Trial Court concerned;
- (ii) the petitioner will not leave the country without prior permission of the Court and the passport, if any, shall be deposited with the Trial Court concerned; and
- (iii) in case of change of his new address or contact number, the petitioner will promptly intimate to the SHO/IO of the case and intimate the Trial Court.

The petition stands disposed-off in the above terms.

Nothing stated in this order shall be deemed to be an adjudication on the merits of the case.

The Registry is directed to send a copy of this order to the Jail Superintendent, concerned for compliance through the police.

A copy of this order be given *dasti* to the learned counsel for the parties under the signature of the Court Master.

NAJMI WAZIRI, J.

AUGUST 29, 2018
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