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

+ **BAIL APPLN. 1296/2018 & CrI. M. (Bail) No.939/2018**

ASHU SHRIVASTAV

..... Petitioner

Through: Mr. Rishabh Sahu, Mr. Lakan Sharma,
Mr. Harsh Vardhan, Ms. Archana Prajapati
and Mr. Manish Kumar, Advocates.

Versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. G. M. Farooqui, Additional Public
Prosecutor for the State with Inspector
Sanjay, P.S. Punjabi Bagh.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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25.07.2018

On 03.07.2018, the learned counsel for the State had stated that four crucial witnesses, including non-official witnesses, were yet to be examined and it was expected that the evidence would be recorded on 13.07.2018 when the case was next listed before the Trial Court. Hence, the case was adjourned till today to ascertain the progress in the matter. It is seen that PW9, PW10 and PW11 had been examined, however, Mr. Deepanshu Gupta (PW15) did not appear and has not been appearing for some dates, neither does PW17 or PW21.

It is the petitioner's case that PW17 is untraceable while PW21 has not been served. He too, in effect, is untraceable, as has been recorded in the

Trial Court's order dated 13.07.2018. According to the learned counsel for the petitioner, PW15 is deliberately not appearing in the matter because he resides in Kolkata; and in any case, nothing will turn upon his deposition apropos the charge of criminality against the petitioner; all material witnesses have been examined; three of the co-accused have already been granted bail; the petitioner is behind bars since two years and all relevant material has been collected and produced before the Trial Court.

In the aforesaid circumstances, the petitioner is enlarged on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety 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 try to influence, contact or meet the complainant and prosecution witnesses in any manner;
- (iii) 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
- (iv) in case of change of his address or contact number, the petitioner shall promptly intimate to the SHO/IO of the case and file this information before the Trial Court.

The petition, alongwith pending application, 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. Additionally, a copy of the same shall also be delivered upon the Jail Superintendent through police.

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

NAJMI WAZIRI, J.

JULY 25, 2018

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