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

+ **BAIL APPLN. 1331/2018 & CRL.M.A. 11101/2018**

ABDUL MATIN KHAN

..... Petitioner

Through: Mr. Satish Kumar, Adv.

versus

STATE OF NCT

..... Respondent

Through: Mr. Ravi Nayak, APP for the State.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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28.08.2018

The evidence against the petitioner does not show that he was driving a three wheeler scooter bearing no. DL 1 RN 4458 at the relevant point of time. The incident statedly took place at about 5.30 a.m. on 02.08.2017, three persons having committed the offence of lurking house trespass into a shop and when confronted they having tried to criminally intimidate Brij Mohan, a neighbouring shop owner who statedly had seen the incident in the course of happening.

The petitioner is shown by the evidence collected to have carried away the three intruders into the shop in his auto rickshaw immediately after the said incident where the aforesaid Brij Mohan had intercepted his three alleged associates. During the course of investigation, a button actuated knife was found in his possession, this indicating the preparation to cause hurt at the time of the commission of offence of robbery.

Given such incriminatory evidence, it cannot be said that the case against the petitioner is unfounded. Having regard to the gravity of the offences involved and the present stage of the proceedings where material witnesses are yet to be examined by the prosecution, no case for release on bail is made out.

The petition and the accompanying application are dismissed.

R.K.GAUBA, J

AUGUST 28, 2018

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