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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 1807/2018

RAJIV SHARMA @ SHASHI

..... Petitioner

Through: Mr. M. N. Siddiqui, Mr. Purushendra
Bhardwaj, Mr. Deepak Sharma and
Mr. Vimal, Advocates.

Versus

THE STATE

..... Respondent

Through: Mr. Rajat Katyal, Additional Public
Prosecutor for State.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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01.11.2018

The petitioner seeks bail. He is in Judicial Custody since 26.05.2017. His mother died in unnatural circumstances. He is charged for involvement in her death. According to the prosecution, their eye witness, PW2 had seen the petitioner beating his mother on the day of her demise. However, in her evidence recorded before the Trial Court, she has denied the involvement of the petitioner, instead she has stated that someone else was assaulting the petitioner's mother. In other words the main eye-witness has turned hostile.

It is the petitioner's case that there is no other evidence or ocular evidence to substantiate the prosecution's charge against him. According to him, the death of his mother remains a mystery by which he is aggrieved, but the same cannot be held against him in the absence of any circumstantial or ocular evidence.

It is not disputed that no other public witness remains to be examined.

In the aforesaid circumstances, the petitioner is granted bail on her furnishing a personal bond in the sum of Rs.25,000/- 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 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 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 information.

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

NAJMI WAZIRI, J.

NOVEMBER 01, 2018

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