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

+ BAIL APPLN. 2333/2018 and CrI. M.A. 33525/2018

KULDEEP

..... Petitioner

Through: Mr. S.K. Bharti, Advocate

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr. Ravi Nayak, APP for the State with
SI Sandeep Maan

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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04.10.2018

By the petition at hand, the applicant prays for release on anticipatory bail in case FIR no.383/2018 of police Station Ambedkar Nagar involving offences punishable under Sections 307, 341, 34 of the Indian Penal Code, 1860 (IPC). It does appear that his name was not mentioned in the FIR lodged on the basis of statement of Vikash @ Bunti where the assailants were described as four named persons and two persons not known to the first informant, the injuries inflicted including stab wound in the chest region. The involvement of the applicant is stated to have been brought to light upon disclosures made by Nitin and Ashish, two named assailants. The applicant had earlier approached the court of Sessions by bail application no.1311/2018 which came up for consideration on 11.09.2018. The Investigating officer had indicated that there was a need for test

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identification parade (TIP) being arranged to confirm the input about involvement of the applicant. Pursuant to the submissions made at that stage, TIP was arranged, interim protection having been granted to the applicant with directions to him to join investigation. The TIP was arranged for 15.09.2018 but the applicant at that stage refused to join on the plea that the witnesses being the neighbours would be in a position to identify him. No such plea had been taken at the stage of obtaining interim protection granted by order dated 11.09.2018. After the refusal on the part of the applicant to join TIP, the victim has identified the applicant as one of the participants in the assault. In the given facts and circumstances, having regard to the seriousness of the offences involved, and the stage of investigation, no case is made out for release of the applicant on anticipatory bail.

The petition and the application filed therewith are dismissed.

R.K.GAUBA, J

OCTOBER 04, 2018

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