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

+ **BAIL APPLN. 2341/2018 and CrI. M.A. 33585/2018**

AFAJAL

..... Petitioner

Through: Navin Kumar Thakur and Mr. Deepak
Kumar, Advocates

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Ashish Dutta, APP with SI Sanjay
Kumar

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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05.10.2018

There is no direct evidence available of complicity on the part of the applicant in the crime under Section 379 IPC which was reported vide FIR no.31060/2018 by the police station Harsh Vihar. The stolen property was described as tractor. The tractor has already been recovered at the instance of the co-accused Irfan. It is stated that it is the said Irfan, who made disclosure about the complicity of the applicant. The Investigating officer claims custodial interrogation to recover battery and self-starter of the tractor, which are stated to be in the possession of the applicant. It is noted that interim protection against arrest was granted to the applicant by the court of Sessions on 19.09.2018. The matter remained pending with the Sessions court till 27.09.2018 when bail application (no.2973/2018) was declined.

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It is incomprehensible that such parts as stated above would have remained in custody of the applicant given the fact that the tractor has already been recovered from elsewhere. There is no specific mark of identification of the battery or self-starter.

Having regard to the facts and circumstances, a case for release of the applicant on anticipatory bail is made out.

Thus, it is directed that in the event of the petitioner being arrested, he shall be released on bail by the arresting officer on furnishing personal bond in the sum of Rs.10,000/- with one surety in the like amount subject to the following further conditions:-

- (i) The petitioner shall continue cooperating with the investigation and join the same as and when called upon to do so;
- (ii) The petitioner shall not come in contact with or try to influence any of the witnesses connected to the case;
- (iii) Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the investigating officer;
- (iv) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

This order will inure only till the date of first appearance of the petitioner in the event of a charge-sheet being filed on conclusion of the investigation and process being issued against him by the court of cognizance.

The petition and the application filed therewith stand disposed of in above terms.

Dasti.

R.K.GAUBA, J

OCTOBER 05, 2018

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