

\$~17

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2624/2017**

BRIJESH Petitioner
Through: Mr. Randhir Kumar, Adv.

versus

THE STATE GOVT OF NCT OF DELHI Respondent
Through: Mr. Ashish Dutta, APP for State with
SI Pooran Mal, PS Kirti Nagar.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **05.02.2018**

Status report has been submitted on behalf of the State.

On behalf of the applicant it has been submitted that he was falsely implicated in the instant case and that the applicant is not named in the FIR lodged against the co-accused and it has further been submitted on behalf of the applicant that the applicant has been falsely implicated in the instant case in view of the dispute between the applicant and the main accused Rajesh who had thus named the applicant in his disclosure statement and that the applicant was identified by the complainant during the TIP proceedings after the recording of his supplementary statement when the name of the applicant was given in the disclosure statement of the accused.

It has also been submitted on behalf of the applicant that the applicant and the other co-accused were neighbours of the complainant and the complainant knew them well and could have thus clearly named the applicant in the FIR itself.

The application is vehemently opposed on behalf of the State submitting *inter alia* to the effect that in view of the statement made

by the complainant in the FIR itself and the TIP proceedings conducted as submitted in the status report, where the complainant has categorically identified the applicant and the factum that the complainant has also supported the version in the FIR and TIP in his testimony in Court, the bail ought not to be granted to the applicant.

Without any observations on the merits or demerits of the case, it is essential to observe that the complainant as witness in his testimony dated 20.01.2018 before the learned ASJ-03 has categorically testified to the effect that he had seen the applicant Mr. Brijesh for the first time at the time of the incident. He has also stated that he did not even know Mr. Brijesh before the date of the incident. Taking into account the stated TIP proceedings in which the complainant has identified the applicant as being one of the persons who caught hold of his father when he was assaulted by the co-accused, despite the submissions made on behalf of the applicant to the effect that the applicant had no role to play in allegedly holding the father of the complainant at the time when the deceased was assaulted by the main accused Rajesh, there is no ground for bail.

The grant of bail is declined.

ANU MALHOTRA, J

FEBRUARY 05, 2018

vm