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

+ **BAIL APPLN. No. 3090/2018**

SHASHANK

..... Petitioner

Through: Mr. Amit Vashisth and Mr. Jay,
Advocates.

versus

STATE

..... Respondent

Through: Ms. Meenakshi Chauhan, APP with
SI Narendra Kumar, PS Kalyan Puri.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **28.12.2018**

**CRL.M.A. No. 50774/2018 (for exemption) in BAIL APPL.
No.3090/2018**

The application is allowed subject to all just exceptions.

The application stands disposed of.

BAIL APPL. No. 3090/2018

Issue notice. Ms. Meenakshi Chauhan, APP appears on behalf of the State and accepts notice.

Learned APP has also handed over a status report in Court.

The allegation against the accused is that he, along with three other persons, has committed offences u/ss 394/411/34 of the Indian Penal Code, 1860 (hereinafter 'IPC'). The allegation is that the accused persons robbed the complainant of valuables and were subsequently arrested on the basis of CCTV footage and have been in custody since 11.11.2018. It is stated that

certain recoveries have also been made from the petitioner. It is further stated that applicant/petitioner has been identified in CCTV footage since he refused TIP and that the MLC records that the hurt received by the petitioner is grievous in nature.

Learned APP states that the investigation is complete, the charge-sheet has been prepared and will be filed before the Trial Court soon.

The applicant had also approached the Court of the Special Judge, who by order dated 15.12.2018 has dismissed his bail application.

On the other hand, counsel for the applicant submits that the applicant along with three other co-accused persons has entered into a compromise with the complainant by paying to the complainant a sum of Rs.50,000/- in “full and final settlement” of the matter.

Considering the grave nature of the offence alleged *i.e.* voluntarily causing hurt in committing robbery u/s 394 IPC, which offence is also not compoundable, the so called settlement arrived at with the complainant and accused persons is of no avail.

In this view of the matter, this Court is not inclined to admit the applicant to bail at this stage.

The application is accordingly dismissed.

ANUP JAIRAM BHAMBHANI
(VACATION JUDGE)

DECEMBER 28, 2018

Pallavi