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

+ **BAIL APPLN. 2685/2019**

SHUAIB AKHTAR

..... Petitioner

Through Ms. Sahila Lamba, Adv.

versus

STATE

..... Respondent

Through Mr. K K Ghai, APP for State
SI Pushpendra, PS B H Rao

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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28.11.2019

Vide the present petition, the petitioner seeks directions thereby to grant him bail in case FIR no. 126/2018 dated 21.10.2018 registered at P.S. Bara Hindu Rao for the offences punishable u/s 328/367/377/506/34 IPC.

The present petition has been filed on the ground that the star witness of the prosecution i.e. victim 'H' stands examined and remaining witnesses are all police/formal witnesses. It is further submitted that the testimony of victim 'H' does not inspire confidence and is fraught with major inconsistencies. After the examination of victim, the applicant had filed bail application before the Ld. Trial Court, but the same was dismissed vide order dated 23.07.2019. Thereafter, the petitioner had filed an application for grant of interim bail on account of illness of his father before the Ld. Trial Court but even the said application was dismissed vide order dated 13.08.2019 by taking a very narrow view of the matter despite the fact, on an earlier occasion interim bail was granted to the petitioner and he had duly

surrendered after the expiry of period of interim bail.

Learned counsel for the petitioner submits that apart from the victim 'H', sister of victim has also been examined. There are a total of 15 prosecution witnesses out of which only two have been examined. Thus, the trial will take substantial time, it is thus prayed that the petitioner be admitted to bail.

It is not disputed that the petitioner remained in judicial custody for a period of 10 months and is currently on interim bail since 30.08.2019 and thereafter extended vide order dated 24.09.2019 till 27.10.2019.

In view of the above, coupled with the fact that the trial will take substantial time, this Court is inclined to grant bail to the petitioner. Accordingly, I hereby direct the Trial Court to release the petitioner on bail on his furnishing personal bond in the sum of ₹25,000/- with one surety of the like amount to its satisfaction.

The petitioner shall not involve himself in any other case and in the event of any report against him, this Court would consider the desirability of cancelling the bail.

The application is allowed and disposed of.

Order *dasti* under the signatures of the Court Master.

Copy of this order be transmitted to the Jail Superintendent concerned for compliance.

SURESH KUMAR KAIT, J

NOVEMBER 28, 2019/sm