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

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Judgment delivered on: 03.04.2019

+ BAIL APPLN. 786/2019

TUSHAR ARORA

..... Petitioner

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Ms.Archana Sharma, Advocate.

For the Respondent: Ms. Kusum Dhalla, APP for the State with SI
Rajender, P.S.Anand Vihar.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Status report is filed. Same is taken on record.
2. Petitioner seeks anticipatory bail in FIR No. 90/2019 under Sections 379/356/411/34 IPC P.S. Anand Vihar.
3. The allegation of the complainant is that he is a street vendor and on the date of the incident at about 4.45 PM he was vending food articles in the service lane of the market. His phone rang and when he took out the phone to answer the same, two boys came on a motorcycle and one of the boys who was pillion rider snatched his

mobile phone. Thereafter the complainant is alleged to have pushed the motorcycle because of which the motorcycle fell down and the pillion rider who had snatched the mobile of the petitioner was apprehended from the spot and the rider of the motorcycle abandoned the motorcycle and ran away from the spot.

4. The motorcycle which was apprehended from the spot was traced to the pillion rider who was apprehended from the spot.

5. The petitioner is sought to be implicated solely on the basis of an alleged disclosure statement of the pillion rider who was apprehended from the spot.

6. On 28.03.2019 at the request of the IO, liberty was granted to the IO to approach the Trial Court for fixing the date for conduct of the Test Identification Parade. While protection was granted to the petitioner, liberty was also granted to him to join TIP if he had no objection to the same, on the date and time as may be permitted by the Trial Court.

7. Learned APP under instructions submits that the TIP was conducted, petitioner had joined TIP, however the complainant has failed to identify the petitioner as the person who was riding the motorcycle and who had fled away from the spot.

8. Without commenting on the merits of the case and keeping in view of the totality of the facts and circumstances, I am satisfied that

the petitioner has made out a case for grant of anticipatory bail.

9. Accordingly, it is directed that in the event of arrest, the arresting officer/IO/SHO shall release the petitioner on bail on petitioner furnishing a bail bond in the sum of Rs. 15,000/- with one surety of the like amount to the satisfaction of the arresting officer/Investigating Officer/SHO concerned. Petitioner shall not do anything that may prejudice either the trial or the prosecution witnesses. Petitioner shall join investigation as and when so required by the IO.

10. Learned counsel for the petitioner submits that petitioner is a student of class 10 and is studying through National Institute of Open Schooling and his examinations commence from 09.04.2019 till 30.04.2019.

11. It is directed that if the IO requires the petitioner to join investigation he shall suitably accommodate the petitioner with respect to the dates when he has to appear in the examinations.

12. The petition is allowed in the above terms.

13. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

APRIL 03, 2019/rk