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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1641/2019**

RITWIK

..... Petitioner

Through: Mr. Manav Narula, Advocate

versus

STATE

..... Respondent

Through: Mr. Mukesh Kumar, APP with
Inspector Jarnail Singh & SI
Sunil, PS:Civil Lines, Delhi

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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23.12.2019

1. Status report filed.
2. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 by the petitioner for grant of bail.
3. The brief facts of the case are that an information was received in PS:Civil Lines, Delhi that one person, namely Ajay Sharma, having stab injury, was admitted in the hospital, where his statement was recorded, wherein it has been alleged that on 25.11.2018, at about 10:30 pm, when he came to meet his friend at Punjabi Basti, Main Market, Majnu Ka Tilla, Delhi, two persons, namely Aarpia and Ritwik (petitioner herein), who were known to him and having enmity with him, came there. It is further alleged that the accused Aarpia took the knife from the petitioner and stabbed the complainant in his abdomen and fled the spot. Consequently, the present FIR No.274/2018, under Sections 307/34 of the Indian Penal Code, 1860 was

lodged against the accused persons.

4. As per the Status Report, during the course of investigation, both the accused persons were arrested from their houses. The motorcycle, which was used in the commission of the offence, was also recovered from the possession of the petitioner. The weapon, i.e., the knife used in the commission of the crime and the shirt worn by the accused Aarpia were recovered from his possession. Further, it was also revealed that the weapon of offence was brought by the petitioner for the commission of the offence.

5. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the present case and is in judicial custody since 27.11.2018. Learned counsel for the petitioner also submitted that the petitioner is having no criminal antecedents and there is no threat to the public witnesses from the side of the petitioner since they all have already been examined, hence, prayed that bail may be granted to the petitioner.

6. Learned APP, on instructions from the IO, admitted that the petitioner is not having criminal antecedents and the complainant has already been examined by the Trial Court and no other public witness is required to be examined by the prosecution at this stage.

7. Accordingly, in view of the aforesaid factors, the petitioner is admitted to bail, subject to his furnishing a personal bond in the sum of Rs.25,000/-, with one surety of the

like amount to the satisfaction of the Trial Court, with the condition that the petitioner shall not, in any manner, contact the complainant and in case any complaint is received in this regard, in writing, the prosecution may move an application for passing appropriate orders.

8. Bail application is disposed of in above terms.

Dasti.

CHANDER SHEKHAR, J

DECEMBER 23, 2019

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