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

+ **BAIL APPLN. 2288/2019 & Crl. M.A. 35740/2019**

UCHE KINGSLEY IBUDE

..... Petitioner

Through: Ms. Sushma Sharma with Mr. Girish
Kumar Sharma, Advs.

versus

STATE

..... Respondent

Through: Mr.Panna Lal Sharma, APP for State.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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30.09.2019

Vide the present application, the applicant/accused prays to be admitted on bail till the final disposal of the case, in FIR No. 110/19, registered on 15.04.2019 at P.S. Tigri, District South Delhi.

As stated in the petition, the petitioner was picked up from his residence on 17.4.2019, whereas the alleged incident is of 3.4.2019. The petitioner has been roped in this case as he was not having good terms with one of the co-accused namely Charles, who has not been arrested. Since the petitioner is known to the above mentioned Charles, as such the complainant has mentioned the name of the applicant in this FIR, whereas the petitioner was not even present at the spot at the time of alleged incident.

Learned counsel appearing on behalf of petitioner submits that the alleged incident is of 3.4.2019, whereas the FIR was registered by the complainant at a belated stage on 15.4.2019 and there is no explanation for such inordinate delay in lodging the FIR.

Learned APP for the State has opposed the present application and submits that charges have been framed against the applicant and the case is pending trial. Learned APP further submits that applicant is a foreign national and he has no permanent residency in India and if he is released on bail, it would be difficult to trace him.

On the other hand learned counsel for the applicant submits that charges have already been framed and till date no prosecution witness has been examined and prosecution will take substantial time in concluding the matter and as such, no purpose would be served by keeping the applicant behind the bar for indefinite period.

The fact remains that the applicant is behind the bar since 17.04.2019 and although charges have been framed, however, no prosecution witness has been examined and the maximum punishment for the alleged offences committed is upto three years.

Therefore, keeping in view the aforesaid facts, 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 the satisfaction of its satisfaction.

The trial Court is further directed that before admitting the petitioner on bail, the Trial Court shall verify the antecedents of the surety.

The petitioner shall report to the Police Station Tigri on every Friday between 04:00 to 06:00 pm. The Trial Court shall also take on record his place of stay and if the petitioner changes his address, the same shall be conveyed to the SHO concerned. The applicant shall also provide the mobile number and other (alternate) contact number to the IO concerned.

Order dasti under the signatures of Court Master.

SURESH KUMAR KAIT, J

SEPTEMBER 30, 2019

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