

\$~4

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

+ BAIL APPLN. 2371/2019

DEEPAK @ DEEPU

..... Petitioner

Through

Mr. Khalil A. Ansari and Mohammad
Akhtar, Advs.

versus

STATE

..... Respondent

Through

Mr. Amit Gupta, APP for State.
Insp. Ram Sahay, SI Prateek.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

05.12.2019

1. The petitioner has filed the present application, *inter alia*, seeking bail in FIR No.463/2016 under Sections 302/34 IPC registered with Police Station Jaitpur. It is the prosecution's case that the petitioner had assaulted the victim (Sh. Gaurav) on 19.08.2016 at House No.D-89, Gali No.6, Hari Nagar, Part-II, Shanti Mandir Road, Jaitpur, Delhi. The incident was reported and the concerned police officials reached the spot. It is stated that they found pool of blood in the street and two *chappals* were also found at the spot. In addition, it is stated that cover of a khurki (kind of a knife) was also found. It is reported that there were four wounds found on the body of the victim. This included one stab wound of approximately 2 cm on the left thigh and a wound of approximately 8 cm x 3 cm. In addition, there were multiple abrasions.
2. The brother of the victim gave his statement that two boys aged about

20-22 years came on Pulsar Motorcycle (red in colour) and had taken Gaurav to the Transformer Wali Gali, Hari Nagar Part-II, Jaitpur. After 15-20 minutes one boy came running to their house and said that Gaurav had been stabbed by some persons and was lying on the road.

2. The petitioner was taken in custody as it is alleged, he was one of the two persons who had accompanied the deceased. It is also the prosecution's story that there was a prior quarrel between the petitioner and the victim.

3. The petitioner has been in custody since 21.8.2016. The prosecution proposes to examine 45 witnesses, out of which 12 witnesses have already been examined. Admittedly, all material witnesses have been examined and only formal witnesses now remain to be examined.

4. Considering that the petitioner has been in custody for considerable period of time, and that all material witnesses have been examined, this Court considers it apposite to allow the present application.

5. Accordingly, the petitioner is directed to be released on bail on furnishing a personal bond of Rs.25,000.00 and two sureties of an equivalent amount to the satisfaction of the Trial Court.

6. The petitioner shall not leave the National Capital Region and ensure that he is available at the trial on all occasions. The petitioner shall report to the concerned SHO, Police Station Jaitpur on every 2nd and 4th Monday of every calendar month at 10:30 AM.

7. The application is disposed of in the above terms.

8. Order *dasti*.

VIBHU BAKHRU, J

DECEMBER 05, 2019/DR