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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3170/2019 & CrI. M.A. 4316/2019**

Judgment delivered on 23.12.2019

SHADAB

..... Petitioner
Through: Mr. Kishor Kumar Mishra,
Ms. Aditya Mishra, Mr.
Prem Prakash & Ms.
Akansha Jain, Advocates

Versus

THE STATE NCT DELHI

..... Respondent
Through: Mr. G.M. Farooqui,
Additional Public Prosecutor
for State with SI Rahul Singh

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

J U D G M E N T

BRIJESH SETHI, J (oral)

CrI.M.A. 43416/2019

Allowed subject to all just exceptions.

BAIL APPLN. 3170/2019

1. Petitioner is in custody since 13th March, 2019 in FIR No. 70/2019, for allegedly committing offences under Sections 395/397/307/ 186/353/120B/34 IPC and Section 25/27 Arms Act, registered at police station Pandav Nagar, Delhi.

2. Learned counsel for petitioner submits that evidence of material witnesses has already been recorded and no adverse

evidence has been found against petitioner. Learned counsel for petitioner further submits that there are two witnesses who have given contradictory statements and this fact has not been taken into consideration by the learned trial court while dismissing petitioner's bail application. It is also submitted by learned counsel for petitioner that no recovery has been effected from the possession of petitioner.

3. Notice.

4. Mr. G.M. Farooqui, learned Additional Public Prosecutor for State accepts notice and submits that Charge under Sections 395/397 read with Section 120-B IPC has been framed against the petitioner/accused and the allegations levelled against the petitioner are serious in nature and that the case is at the stage of recording of evidence and also that one of the co-accused is absconding, therefore, in these circumstances, the bail application be dismissed.

5. I have considered the rival submissions of learned counsel for the parties. It is settled law that at the time of considering the bail application, this court is not required to minutely examine the credibility of witnesses recorded and conduct a mini trial. This will be done by the learned Trial Court at the appropriate state. Thus, keeping in mind the fact that the allegations levelled against the petitioner are serious and grave in nature and also the fact that material witnesses are yet to be examined and also in view of the settled law that this court is not supposed to analyze and examine the evidence appearing on record in detail and give its findings at the time of disposal of bail application, no grounds for bail are

made out.

6. The bail application stands dismissed accordingly.

BRIJESH SETHI, J

DECEMBER 23, 2019

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