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

+ **BAIL APPLN. 2110/2018**

MAHENDER KAUSHIK Petitioner

Through: Mr. Amit Dubey, Advocate.

versus

STATE OF NCT DELHI Respondent

Through: Mr. Rajat Katyal, APP for State with
Insp. Shahib Singh, PS-Sarai Rohilla.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **08.01.2019**

The petitioner is a police officer but he has long been suspended, since the registration of the FIR. He seeks bail. He has been behind bars since 4½ years. He is alleged to have exhorted the main accused, in ending the life of the deceased. The allegation is denied by the petitioner. All public witnesses have been examined. The remaining witnesses are either police or government officials, over whom the petitioner could have no sway. He further undertakes not to interfere with the process of law.

Be that as it may, what is necessary to be seen at this stage, is whether he could interfere with the recording of evidence and trial of the case. Since all public witnesses have been examined and in the circumstances of the case such endeavour, if any, would at best be futile.

In view of the above, the petitioner is granted bail on his furnishing a

personal bond in the sum of Rs. 1 lac with one surety of the like amount to the satisfaction of the Trial Court concerned, subject to the following conditions:-

- (i) the petitioner will regularly appear on each and every date of hearing to be fixed by the Trial Court concerned;
- (ii) the petitioner will not try to influence, contact or meet the complainant and prosecution witnesses in any manner;
- (iii) the petitioner will not leave the country without prior permission of the Court and the passport, if any, shall be deposited with the Trial Court concerned; and
- (iv) in case of change of his new address or contact number, the petitioner will promptly intimate to the SHO/IO of the case and intimate the Trial Court.

The petition stands disposed-off in the above terms.

Nothing stated in this order shall be deemed to be an adjudication on the merits of the case.

A copy of this order be given *dasti* to the parties under the signature of the Court Master.

The Registry is directed to send a copy of this order to the Jail Superintendent, concerned for compliance. Additionally, a copy of the same shall also be delivered upon the Jail Superintendent through the police.

NAJMI WAZIRI, J

JANUARY 08, 2019

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