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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 2283/2018

MASHROOP @ MASHROOF

..... Petitioner

Through: Mr. Anil Kumar Sharma and Mr. Vikram S.
Mawari, Advocates.

Versus

STATE

..... Respondent

Through: Mr. Tarang Srivastava, Additional Public
Prosecutor for State with SI Amit and
ASI Suresh, P.S. Usmanpur.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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24.01.2019

The petitioner, alongwith three co-accused, has been mentioned in the FIR of having robbed the complainant of cash. However, charges have been framed against five persons of them; three of the co-accused have already been granted bail. It is the petitioner's case that the PCR call was made by the complainant after more than 20 minutes of the alleged incident. Whereas, the prosecution's case is that the police officers chased down the accused and have apprehended them.

According to the learned counsel for the State, of the 22 witnesses, 11 have been examined and the remaining witnesses are either government officials or police witnesses.

The petitioner cannot possibly have any sway over the remaining witnesses.

In the circumstances, since the similarly placed co-accused has already been granted bail and that the appreciation of evidence would be done at a later stage, the petitioner has made out a case for grant of bail.

Accordingly, the petitioner is granted bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the learned 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 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.

The Registry is directed to send a copy of this order to the Jail Superintendent, concerned for information and a copy be given *dasti* to the learned counsel for the parties under the signatures of the Court Master.

NAJMI WAZIRI, J.

JANUARY 24, 2019

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