

\$~5

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

BAIL APPLN. 2742/2018

SHOAIB MALIK

..... Petitioner

Through: Mr. Aftab Ali Khan and Mr. Rashid
Khan, Advocates.

Versus

THE STATE

..... Respondent

Through: Mr. Tarang Srivastava, Additional Public
Prosecutor for State.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

%

10.01.2019

The petitioner seeks bail. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in a case bearing FIR No.434/17, registered under sections 394/307/34/120B of the Indian Penal Code, 1860 and sections 25/27/54/59 of the Arms Act, 1959 at Police Station Karawal Nagar, for complicity in an act of robbery. He has been behind bars for the last 15 months.

According to the chargesheet, the CCTV footage shows three persons i.e. Mohd. Danish, Azam @ Arman and Salman; the petitioner is stated to have arranged for the getaway vehicle.

The learned counsel for the petitioner submits that the petitioner is implicated on the basis of a disclosure statement of one of the co-accused, namely, Salman. However, the said disclosure statement does not mention the petitioner's name.

The learned counsel for the State contends that the petitioner is a co-accused, not merely on the basis of the disclosure statement but other

material evidence, such as call detail records, which show that he was in the same vicinity of his co-accused. The petitioner is stated to have no criminal antecedents against him. That being the position, it will be open for the prosecution to prove its case in trial.

In the facts and circumstances of the case, 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 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, his relatives and prosecution witnesses, directly or through his relatives, 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;
- (iv) the petitioner will furnish his mobile phone number to the police, which shall be kept operational at all times, so that the police could contact him;
- (v) the petitioner will not make any effort to evade the process of law; and
- (vi) 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 10, 2019

sb