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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **BAIL APPLN. 2819/2018****AASIF @ AASIB**

..... Petitioner

Through: Mr. Onkar & Mr. Mohit Kr., Advs.

versus

STATE

..... Respondent

Through: Mr. K.S. Ahuja, APP for the State
with SI Lalit Chauhan, PS Timar Pur.**CORAM:****HON'BLE MR. JUSTICE R.K.GAUBA****ORDER**

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27.02.2019

The petitioner is facing trial in case FIR no. 335/2017 of police station Timar Pur, involving offences under Section 307/120B/34 IC and Sections 25 and 27 of Arms Act. The incident which is the subject matter of the said case statedly occurred on 25.07.2017 wherein Satya Dev Sharma suffered fire arm injury while being present on public way. The CCTV footage is stated to have captured the said incident wherein co-accused Bhima is stated to be seen using the fire arm to cause the said injury. The learned additional public prosecutor fairly conceded that the said CCTV footage would not show presence of anyone else except Bhima or presence of any vehicle, other than one scooty of co-accused Ayush.

As per the prosecution case, two vehicles were used, both being scooties, one belonging to the petitioner. It is also his submission that the petitioner was the go-between for assailant Bhima on one hand and those

who had engaged him for such attempt to commit the murder of Satya Dev Sharma. But it is also fairly conceded that aside from telephonic contact between the petitioner and Bhima and his presence in or around the place of incident, there is no other substantive evidence available.

Without expressing any opinion on merits of the charge against the petitioner, the prayer for release on bail is granted subject to the following conditions:-

- (i). The petitioner shall furnish personal bond in the sum of Rs.50,000/- with one surety in like amount to the satisfaction of the trial court.
- (ii). Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the trial court.
- (iii). He shall scrupulously appear at each and every stage of the proceedings before the trial court so as not to cause any obstruction or delay to its progress.
- (iv). He shall not engage in any criminal activity.
- (v). He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence; and
- (vi). He shall not leave India without the prior permission of the court of cognizance or the trial court, as the case may be, and to ensure due compliance with this condition and shall deposit his passport, if he holds one, with the said court.

The bail application is disposed of in these terms.

A copy of this order shall be transmitted to the jail authorities and to the trial court.

Dasti.

R.K.GAUBA, J

FEBRUARY 27, 2019
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