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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **BAIL APPLN. 2839/2018****RUPESH**

..... Petitioner

Through: Mr. Vikas Sharma with  
Mr. Satish Bhati, Advs.

versus

**STATE**

..... Respondent

Through: Mr. Amit Ahlawat, APP for State.

**CORAM:****HON'BLE MR. JUSTICE R.K.GAUBA****ORDER**

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**25.01.2019**

The petitioner is facing trial in the Sessions Case arising out of FIR No.507/2014 of Police Station, Ghazipur involving offences under Sections 302/120B/174A IPC and Sections 25 and 27 of Arms Act. He is in custody since 21.4.2016. The case involves homicidal death of Vinod described as murder in an incident that occurred on 21.1.2014 at a public place. The perpetrator of the acts resulting in death of Vinod by fire arm injury is described as co-accused, Nikhil Rana. The petitioner is the cousin of said Nikhil Rana, the role attributed to him being that he had provided arm and ammunition, a role similar to one attributed to co-accused Brijesh, the brother of the petitioner herein. The prosecution also relies on the testimony of Babita (PW-1), she being the widow of the victim, she having attributed certain acts of commission and omission to the petitioner and Brijesh in October, 2013, they being statedly present with Asha, mother of Nikhil Rana, to extend threats to the life of the victim in the presence of

Babita.

Be that as it may, it is fairly conceded that there is no evidence, direct or indirect, showing the presence of the petitioner in or about the place of incident on the date of murder. Similarly, there is no recovery effected in the wake of disclosures about he having arranged the weapon or ammunition. On parity with Brijesh, who was released on bail by order dated 1.11.2018 on Bail Application No.2607/2018, the present application is granted. The petitioner is directed to be released on bail 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 commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.
- (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 trial

court and to ensure due compliance with this condition and shall deposit his passport, if he holds one, with the said court; and

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**

**JANUARY 25, 2019**  
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