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

+ **BAIL APPLN. 3025/2018**

RAJESH

..... Petitioner

Through: Mr. S.R. Kamat, Adv.

versus

THE STATE (GOVT OF NCT OF DELHI) Respondent

Through: Mr. Mukesh Kumar, APP for State
with SI Vishnu Dutt, P.S. New
Friends Colony.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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15.01.2019

Learned counsel for the petitioner submits that petitioner was not present with other co-accused persons who had entered in the house and attempted to commit robbery and kill the complainant. It is contended that role of firing at complainant/injured has not been assigned to the petitioner as he was not present along with other co-accused. It is further contended that petitioner had been roped in only because he had been working with complainant as a Cook and had left the job three months prior to the incident. The other two co-accused, namely, Jitender and Lalit were also servants of the complainant. The role assigned to them was that they had conspired with the actual assailants. Nothing has been recovered from the possession of the petitioner. Petitioner is in custody for more than two and a

half years, therefore, he may be admitted to bail.

Learned APP opposes the grant of bail to the petitioner. It is contended that the *katta* used in the crime was recovered from the petitioner. However, it is not disputed that petitioner was not present with other co-accused persons at the spot. *Katta* was recovered at the time of his arrest much later.

Keeping in mind totality of the facts and circumstances of this case, petitioner is admitted to bail subject to his furnishing a personal bond in the sum of ₹20,000/- with one surety in the like amount to the satisfaction of the trial court.

Bail application is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

JANUARY 15, 2019

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