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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 3122/2019

VIJAY KUMAR SHAH

..... Petitioner

Through: Mr.Pradeep Kumar and
Mr.D.P.Yadav, Advocates

versus

THE STATE

..... Respondent

Through: Mr.Kewal Singh Ahuja, APP for State
with Inspector Jitender Dagar and SI
Ramesh Kumar, PS Nihal Vihar

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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07.02.2020

The applicant seeks grant of bail in relation to the allegations against him in FIR No. 651/2018, PS Nihal Vihar, registered under Section 302 read with Section 34 of the Indian Penal Code, 1860, in which he has been arrested on 15.10.2018. It has been submitted on behalf of the petitioner that the witnesses that have been examined in the instant case have not corroborated the prosecution version in any manner and there is no incriminating evidence whatsoever collected by the Investigating Agency against the applicant beyond a reasonable doubt.

On behalf of the State it has been submitted that the investigation conducted indicates that the applicant on seeing the police personnel had attempted to run away and when apprehended gave his identity. *Inter alia* as per the prosecution version the

applicant disclosed that whilst consuming liquor together with the deceased and the co-accused and due to a dispute between them, the applicant with the co-accused had murdered the deceased. It has also been submitted on behalf of the State that the FSL examination report which has since been received indicates the presence of ethyl alcohol in the blood of the applicant. The applicant having been arrested on 15.10.2018 and the date of the incident being 7.10.2018 presently, the said circumstance, is not being taken into account.

It has however been submitted on behalf of the State in reply to specific Court queries that the mobile phone of the applicant had been seized and the CDR details indicate that the applicant was also found at Adhyapak Nagar, the place of the demise of the deceased. In relation thereto, in reply to a specific Court query and as also borne out through the records of the present bail application, the applicant is indicated to be a resident of Adhyapak Nagar.

In the totality of the circumstances, in as much as apart from the factum that the applicant had sped away on seeing the police personnel, and the disclosure statement made by the applicant, pursuant to which there was no recovery effected from the applicant, the other evidence led can undoubtedly be ascertained only at the anvil of the trial, and thus in the circumstances, the applicant is allowed to be released on bail on his furnishing a personal bond in the sum of Rs.1,00,000/- with two sureties in the like amount to the satisfaction of the Trial Court with the directions that he shall not leave the city; and shall appear before the learned Trial Court as and when directed; shall make no contact with the witnesses and shall not

tamper with the evidence.

The Bail Appln. No. 3122/2019 is disposed of.

Copy of the order be given *Dasti* under the signatures of the Court Master, as prayed.

ANU MALHOTRA, J

FEBRUARY 07, 2020/SV