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

+ **BAIL APPLN. 2935/2019**

RAKESH @ RAHUL

..... Petitioner

Through Ms.Shobhana Tanwar, Adv.

versus

STATE

..... Respondent

Through Mr. Amit Chadha, APP for State.
SI Naveen Kumar PS Seelampur.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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06.03.2020

Present petition is filed under section 439 Cr.P.C. for grant of regular bail in pursuance to FIR No.230/2017 dated 08.05.2017 registered at Police Station Seelampur for offences punishable under sections 365/392/397/506/34 IPC & section 27 of Arms Act.

Case of petitioner is that nothing incriminating has been recovered from him. Petitioner was not present at the spot of alleged incident and the same has been told by petitioner to the police. The bundle of goods have been planted by the police. Moreover, police has neither verified his location at the time of alleged incident by tracking the location of his mobile phone nor examined petitioner's neighbours regarding the same.

As per allegations of complainant, petitioner snatched mobile and debit card etc. and sacks of clothes, however, nothing has been recovered from or at the instance of petitioner. The prosecution has also failed to

produce deadly weapon which was allegedly used by petitioner at the time of alleged incident.

Learned counsel for petitioner submits that statement of the complainant himself is contradictory as in the beginning he stated that it was dark due to which he could not recognize the face of petitioner but later he recognized him at the instance of police which raised a question on his story. Moreover, IO has not checked the CCTV footage of the alleged incident i.e. Red light Dharampura Chowk which also creates a doubt on the prosecution version. Moreover, IO has not recorded the statement of any local witness, even though place of alleged incident always remains busy even at night due to movement of trucks, taking the bundle of garments to the factories, as it is the biggest Cloth Market of Gandhi Nagar, Delhi.

Learned APP has opposed the present petition and submits that there are five more cases against petitioner. Six out of 15 witnesses have been examined and trial is also in the midway. Thus, present petition deserves to be dismissed.

In view of the submissions of petitioner as recorded above and the fact that petitioner has been in judicial custody since 12.12.2017 and the fact that trial will take substantial time, petitioner deserves bail.

Accordingly, the petitioner shall be released on bail on his furnishing personal bond in the sum of ₹25,000/- with one surety of the like amount to satisfaction of Trial Court.

Before parting with the order, it is relevant to mention that nothing contained in this order shall be construed as an expression on merits of the case. The Trial Court shall not get influenced by the observations made by

this Court, while passing the final orders in the trial.

The present bail application is allowed and disposed of.

Copy of this order be transmitted to the Jail Superintendent and the Trial Court concerned for compliance.

Order *dasti* under the signatures of Court Master.

SURESH KUMAR KAIT, J

MARCH 06, 2020

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