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

+ **BAIL APPLN. 114/2020**

AAKASH KUMAR

..... Petitioner

Through: Mr Rajpal Kasana and Mr Palak
Munjhal, Advocates.

versus

STATE

..... Respondent

Through: Mr Amit Gupta, APP for State along
with Inspector Hira Lal.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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21.07.2020

[Hearing held through video conferencing]

1. The petitioner has filed the present petition, *inter alia*, praying that he would be released on bail in FIR No. 39/2017 under Section 302 of the IPC, registered with Police Station Sonia Vihar.
2. The petitioner was arrested on 27.10.2017. The allegation against the petitioner is that he had murdered one Joginder, who was incharge of a gas godown at Sabhapur. Information regarding the same was received on 19.02.2017. Despite investigations, clues could not be found. However, subsequently, CCTV footage from a camera of a nearby factory was found which indicated that at the time of the incident, one Jahiruddin S/o Nasiruddin who ran a tea shop near the gas agency, was present near the spot at the time of the incident. The CCTV showed him on a bicycle looking towards the gas agency at the material time. Further analysis of the CCTV also indicates that two persons on a motorcycle had come to the spot. The

motorcycle rider was wearing a helmet but the pillion rider was identified as the petitioner. It is alleged that petitioner went inside the agency and murdered the victim. It is the prosecution's case that the victim had been illegally providing gas cylinders to the petitioner for his hotel in Loni.

3. Mr Kasana, learned counsel appearing for the petitioner submits that none of the material witnesses have supported the prosecution's case. Mr Jahiruddin was examined and he had declined to identify the petitioner or accept that he had witnessed any incident. Further, evidence and call records, which could establish that the petitioner was present at the spot are also not available.

4. Mr Kasana states that the petitioner's wife has also resiled from her statement.

5. The petitioner has been in custody from almost two years and ten months. All the material witnesses have been examined.

6. In the given circumstances, this Court considers it apposite to allow the present petition. The petitioner be released on bail on his furnishing a personal bond in the sum of ₹1,00,000/- with one surety of an equivalent amount to the satisfaction of the Trial Court. This is also subject to following further conditions:

- (a) The petitioner shall mark his presence with the SHO, PS Sonia Vihar on Monday of each calendar week;
- (b) The petitioner shall provide a mobile number and ensure that he is reachable at all times;

- (c) The petitioner shall not leave the National Capital Region;
 - (d) The petitioner shall not contact any of the witnesses either directly or indirectly.
7. The petition is allowed in the aforesaid terms.
8. A copy of this order be communicated to the concerned Jail Authorities electronically.

VIBHU BAKHRU, J

JULY 21, 2020
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