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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ **BAIL APPLN. 325/2020**

BHOLA

..... Petitioner

Through: Mr. Kawalpreet Singh, Mr. Vikas
Saini and Mr. Dinesh, Advocates.

versus

STATE

..... Respondent

Through: Mr. Amit Ahlawat, APP for the State
with SI Sandeep Yadav PS Civil
Lines.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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26.02.2020

BAIL APPLN. 325/2020

As per the case of the prosecution, the petitioner along with four other co-accused was going in his Honda City car when the truck of the complainant brushed against their car. The complainant was beaten by them and his mobile phone and cash of Rs. 4400/- was snatched and he was made to sit behind the driver seat of the truck. Thereafter, he was wrapped in a quilt and his eyes were covered with cloth. One of the accused started driving the truck and after 32-40 minutes he was thrown out from the truck and the accused fled away with the truck containing 640 bags of plastic dana. It is further alleged that the petitioner has committed dacoity along with co-accused after sunset on the highway on 04.02.2016 at around 9-9.30

pm. The driver of the truck who is complainant in this case alleged that in his truck bearing No.AP 29T-4870, plastic dana of white colour was loaded from Panipat Refinery for transporting it to Faridabad and when he reached near Majnu Ka Tilla, Gurudwara Road, one Honda City Car over took the truck and intercepted the truck by parking the car right in front of the truck.

It is submitted by learned counsel for the petitioner that the petitioner is in judicial custody from 05.02.2015. It is further submitted that the complainant has already been examined. It is further stated that two co-accused have been granted bail by the trial court and he further submits that one of the co-accused was granted bail, though, he is involved in 12 cases.

Status report has been filed on behalf of the State.

Learned APP for the State submits that trial is at the fag end and there are chances that the accused, if released on bail, may not come to face the trial. This apprehension of the learned APP for the State can be taken care of.

Learned counsel for the State further submits that the petitioner has been identified by the complainant and a sum of Rs.800/- was recovered from the petitioner.

Be that as it may, the petitioner is in J.C. since 05.02.2015 and two co-accused have already been granted bail. The complainant has already been examined and re-examined by the prosecution. No doubt, the petitioner has been identified by the complainant in his testimony before the court but there are no allegations that any of the accused has tried to contact the complainant or tamper with the

evidence. The petitioner is in J.C. since 05.02.2015. The material witnesses have already been examined, so no useful purpose would be served by keeping him in J.C.

Having regard to the facts and circumstances of the case, the petitioner is admitted to bail on his furnishing a personal bonds in the sum of Rs.20,000/- with two sureties in the like amount subject to the satisfaction of the trial court.

The petition stands disposed of.

A copy of the order be given *dasti* under the signatures of the Court Master.

RAJNISH BHATNAGAR, J

FEBRUARY 26, 2020

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