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

+ **BAIL APPL 990/2020**

SAGAR@ATUL@BAKRA Petitioner

Through: **Mr. Ankit Mutreja, Advocate**

versus

STATE Respondent

Through: **Ms. Manjeet Arya, APP for State with
SI Lokesh, P.S. Samaypur Badli
Mr. Sumer Kumar Sethi, Advocate
for complainant**

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER

% 15.06.2020

1. The present bail application has been filed on behalf of the petitioner seeking regular bail in FIR No. 914/2018 registered under Sections 302/376/34 of IPC at Police Station Samaypur Badli, Delhi.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and has been in custody since 09.12.2018. He further submits that the charge-sheet has been filed. As per the status report, all the material witnesses have been examined.

3. Learned counsel for the petitioner submits that the investigation was conducted on the basis of a secret information and the petitioner was arrested on account of disclosure statement of the co-accused. He submits that the only evidence against the present petitioner is the recovery of the

purse of the deceased which was stated to be recovered from an open space i.e. bushes near the railway track. He submits that the DNA report does not implicate the present petitioner as the same has not been found matching.

4. Ms. Manjeet Arya, learned APP for the State, duly assisted by Mr. Sumer Kumar Sethi, Advocate appointed by Delhi High Court Legal Services Committee for the complainant, submits that as per the disclosure statement, the recovery was at the instance of the present petitioner. She further submits that the complainant resides in the same vicinity as the present petitioner. She also submits that the trial is under way and the petitioner should not be released on the bail.

5. In rebuttal, learned counsel for the petitioner, after taking telephonic instructions from the parokar, undertakes that the petitioner will not reside in Delhi and will rather reside in Sonipat during the pendency of the trial.

6. In view of the aforesaid facts and circumstances of the case and the fact that the petitioner is in custody since 09.12.2018 and the only evidence against the present petitioner is the recovery of the purse of the deceased from an open space i.e. bushes near the railway track, the petitioner is admitted to bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/Duty MM/concerned court subject to the following conditions:-

- (i) As per the undertaking given, the petitioner will not visit MCD Colony, Samaypur Badli, Delhi during the pendency of the trial and shall stay at Sonipat in terms of his undertaking.

- (ii) The petitioner shall not try to get in touch with the complainant or any other prosecution witness directly or indirectly and shall not make any effort to tamper with the evidence.
- (iii) The petitioner shall provide his mobile/landline number and residential address to the IO, SI Lokesh/SHO PS Samaypur Badli, Delhi and in case of any change in the same, shall bring it to the notice of IO, SI/SHO PS Samaypur Badli as well as to the concerned court.
- (iv) The petitioner shall keep his mobile/landline number operational during the pendency of the trial and shall report to the IO, SI Lokesh Singh on his mobile No.8826359376, P.S. Samaypur Badli, Delhi telephonically on first and third Monday of every month. Further, he will 'drop-a-pin' on the Google Maps app to indicate his location to the I.O.

7. Nothing stated hereinabove shall be considered an expression on merits of the case.

8. The application stands disposed of in the above terms.

9. A copy of this order be communicated to the concerned Jail Superintendent as well as to the concerned I.O/S.I./S.H.O. electronically for information and necessary compliance.

MANOJ KUMAR OHRI, J

JUNE 15, 2020/na

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