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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPL 1028/2020**

AARIF

..... Petitioner

Through: Mr.Shreeyash Uday Lalit and Mr.Aamir
Chaudhary, Advocates.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr.Kewal Singh Ahuja, APP for State
along with IO Inspector Ajab Singh
(M-8750870921).

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER

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19.06.2020

1. The present application has been filed on behalf of the petitioner seeking bail in FIR No.165/2018, registered under Sections 365/302/201/120-B/34 IPC at Police Station Sarita Vihar, New Delhi.
2. Learned counsel for the petitioner submits that the petitioner is falsely implicated in this case. He further submits that the petitioner is in custody since 27.06.2018 and the only recovery at the instance of the petitioner was keys of the scooty of the deceased. He further submits that as per the FSL report placed on record, no blood could be detected on Exhibit-7, i.e., the keys of the scooty of the deceased. He further submits that the co-accused

Dilshad has already been released on bail by this Court, while noting that besides the disclosure statement, there was no other evidence against him.

3. Learned APP for the State, on the other hand, has vehemently opposed the bail application. On the last date of hearing, the State was directed to file the Status with respect to the FSL Report. An additional Status Report has been filed alongwith FSL Report dated 29.05.2020. In the FSL report, as per the *Biological Examination*, no blood could be detected on the keys of the scooty of the deceased. Ld. APP further submits that on the joint disclosure of the present petitioner and the co-accused Shahzad, the Car bearing No.HR 35 G 6177 was also recovered and alongwith the 'hoods of the car seat', a 'piece of seat cover (driver seat)' and 'black seat cover' were sent for FSL examination. As per the FSL examination, blood could not be detected on one 'hood of the car seat' (Exhibit 10) and 'piece of seat cover said to be the seat of the driver' (Exhibit 11). On DNA Examination, no DNA could also be isolated from the other 'hood of the car seat' (Ex. 8) as well as the 'black seat cover' of the car (Ex. 9).

3. Keeping in view of FSL report and the period spent in custody, 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 M.M. and subject to the following further conditions:-

(i) The petitioner will provide his mobile telephone number to the IO, Inspector Ajab Singh (M-8750870921), which he undertakes to keep operational at all times during the period of trial. In case of change in his mobile number and address, the petitioner shall inform the same to the concerned IO/SHO and the trial court.

(ii) The petitioner will remain in touch with the IO, Inspector Ajab Singh on his mobile number: 8750870921 on first and third Monday of every month during the period of trial.

(iii) The petitioner will not get in touch with the complainant or any other prosecution witnesses and shall not try to tamper with the evidence.

(iv) The petitioner shall regularly appear before the Trial Court.

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

5. A copy of this order be communicated electronically to the concerned Jail Superintendent.

MANOJ KUMAR OHRI, J

June 19, 2020/ 'dc'