

\$~ 9

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

+ BAIL APPLN. No. 1096/2020

KISHAN KUMAR

..... Petitioner

Through: Mr.Akhilesh Kamle, Advocate
versus

STATE

..... Respondent

Through: Mr.Ashok Kumar Garg, APP for
State with ASI Jagbir Rana

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

07.08.2020

%

(hearing through Video Conferencing)

The status report dated 4.8.2020 is on the record. The applicant vide the present application seeks the grant of bail in relation to FIR No. 339/2016, Police Station Darya Ganj, under Sections 395/397 read with Section 412/120B of the Indian Penal Code, 1860 and under Section 25 of the Arms Act, 1959 submitting inter alia to the effect that he has been falsely implicated.

On behalf of the State, the prayer is vehemently opposed submitting to the effect that there is a recovery of a sum of Rs.1,00,000/- which is the looted amount from the applicant and that further more the CDR details of the applicant also indicate his presence at Darya Ganj at the time of commission of the offence. It has further been submitted on behalf of the State that though in the examination-in-chief of the complainant recorded on his deposition on dated 2.4.2019, the complainant has not identified the applicant herein and has only identified the co-accused Rahul Sharma. It is submitted on behalf of the State that the reason for the same is that the

Signature
Not Verified

Digitally Signed
By: SUMIT CHAI
Signing
Date: 07.08.2020
16:52:34
This file is
digitally signed by
PS to HMJ ANU
MALHOTRA.

applicant was at a distance of 2 km away, it has been submitted that the CDR details have indicated that the applicant was at Darya Ganj would suffice to incriminate the applicant. On behalf of the applicant it has been reiterated once again that the CDR details also do not bring forth the presence of the applicant at the spot.

Without any observations on the merits or demerits of the trial that is in progress in as much as the complainant has made no mention of the presence of the applicant at the spot, and as the alleged recovery of the sum of Rs.1,00,000/- from the appellant is pursuant to the disclosure statement of the co-accused in the instant case with no previous adverse antecedents against the appellant alleged against the applicant as submitted by the State in reply to a specific Court query, the applicant is allowed to be released on bail on his furnishing a personal bond in the sum of Rs.1,00,000/- with two sureties in the like amount to the satisfaction of the Trial Court with directions that:

- the applicant shall not leave the city;
- the applicant shall make no contact with the prosecution witnesses;
- the applicant shall commit no offence whatsoever and in the event of there being any FIR registered against the applicant, the State shall bring it to the notice of the Court forthwith ;
- the applicant shall drop a pin on the google map to keep his mobile location on at all times to ensure that his location is available to the Investigating Officer.

The petition is disposed of.

ANU MALHOTRA, J

AUGUST 07, 2020/sv

Signature
Not Verified

Digitally Signed
By: SUMIT CHAI
Signing
Date: 07.08.2020
16:52:34
This file is
digitally signed by
PS to HMI ANU
MALHOTRA.