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

+ BAIL APPL 1274/2020

MUKESH KUMAR

..... Petitioner

Through: Mr.Arvind Dhingra, Advocate.

versus

STATE

..... Respondent

Through: Dr.M.P.Singh, APP for State along
with IO SI Sunny Kumar
(M-9650011621), P.S. Mukherjee
Nagar, Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER

03.07.2020

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1. The present bail application has been filed on behalf of the petitioner seeking bail in FIR No.533/2019, registered under Sections 307/34 IPC and Sections 25/27 Arms Act at Police Station Mukherjee Nagar, Delhi.
2. Learned counsel for the petitioner submits that there is no overt act attributed to the petitioner and he was only driving the motor cycle. He further submits that as per the allegations levelled in the FIR, the injuries caused to the injured person were at the behest of the co-accused Vikas, who has already been granted interim bail by the Trial Court vide order dated 24.06.2020. He further submits that the petitioner has no enmity with the family of the injured and the petitioner is not involved in any other case. Lastly, it is submitted that the petitioner is in custody since 07.11.2019.

3. Dr. M.P. Singh, learned APP for the State, on the other hand, has vehemently opposed the bail application. He submits that the petitioner was driving the motor cycle whereas the co-accused Vikas was the pillion rider. He further submits that both the accused were caught at the spot after the injured chased them.

4. I have heard learned counsel for the petitioner as well as the learned APP for the State and have perused the case records.

5. In view of the totality of the facts and circumstances of the case and the fact that the charge-sheet has been filed and the role of the present petitioner is only of driving the motor cycle whereas the gun shot has been fired by the co-accused, the petitioner is admitted to bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/ Duty M.M./ concerned court and subject to the following further conditions:-

(i) The petitioner will not leave NCT of Delhi without prior permission of the concerned Court.

(ii) The petitioner shall not directly or indirectly get in touch with the complainant/injured and shall not try to tamper with the prosecution evidence in any manner.

(iii) The petitioner shall remain available on his mobile number (8750831466) during the course of trial, which he undertakes to keep operational at all times during the said period and will remain in touch with IO SI Sunny Kumar on his mobile number: 9650011621.

(iv) In case of change of contact details including the residential address, the petitioner shall promptly inform the same to the concerned court as well as the I.O.

(v) The petitioner shall regularly appear before the Trial Court during the period of trial.

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

7. A copy of this order be communicated electronically to the concerned Jail Superintendent for information and necessary compliance.

MANOJ KUMAR OHRI, J

JULY 03, 2020

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