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

+ BAIL APPLN. 1307/2020

RIHAN @ OWAISI Petitioner
Through Ms.Vaishali Singh, Adv.

versus

STATE Respondent
Through Mr.Raghuvinder Verma, APP for the
State with SI Manoj Kumar Tomar,
PS Mayur Vihar

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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07.07.2020

1. This hearing is conducted through video-conferencing.
2. This bail application is filed under section 439 Cr.P.C. seeking bail in FIR No.276/2018 registered under sections 304/308/341/34 IPC at P.S. Mayur Vihar.
3. It is the case of the applicant that he is in judicial custody since 30.07.2018. The incident took place in the intervening night of 22/23.07.2018 and FIR No.276/2018 was registered under sections 308/341/34 IPC at P.S. Mayur Vihar. It is stated that on 28.07.2018 the injured Akash expired in Safdarjung Hospital and thereafter section 304 IPC was added. The applicant/accused was arrested on 30.07.2018 while the other co-accused, namely, Rahid @ Mota and Rashid were absconding. Charge-sheet has been filed. The co-accused who were absconding, namely, Rahid @ Mota and Rashid are said to have been arrested in June, 2019 and

charge-sheet has also been filed against them.

4. The bail plea has been opposed by the learned counsel for the State. It is pleaded that there is a strong apprehension about tampering with the evidence by the applicant. There is also a strong apprehension that the petitioner may abscond.

5. Nominal roll has been filed. As per the nominal roll, the petitioner has been in under trial custody for 1 year 10 months and 23 days. However, the nominal roll also notes the jail conduct of the petitioner since 31.07.2018 as “unsatisfactory”. The petitioner has been awarded punishments on 22.10.2018 and 09.09.2019. The punishment orders have been attached, which shows a case of assaulting and beating fellow inmates while in jail.

6. In these facts and circumstances, in my opinion, the apprehension of the learned counsel for the State about tampering of evidence and absconding appears to be a relevant consideration. The conduct of the petitioner while in custody also does not inspire confidence.

7. At this stage, it would not be appropriate to allow the present application. The same is dismissed.

8. Any observations made herein may not be considered as any observations relating to the merits of the pending case.

JAYANT NATH, J.

JULY 07, 2020/v