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

+ **BAIL APPLN. 1551/2020**

AKASH

..... Petitioner

Through Mr Kedar Yadav, Advocate.

versus

STATE OF DELHI

..... Respondent

Through Mr Amit Gupta, APP for State.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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24.07.2020

[Hearing held through videoconferencing]

1. The petitioner has filed the present petition, *inter alia*, praying that the petitioner be released on bail in FIR No. 302/2018 under Sections 307/120-B/34 of the IPC and Sections 25/27/54/59 of the Arms Act, 1959 registered with PS Ambedkar Nagar.
2. The said FIR was registered on the basis of an information received on 21.07.2018. As per the said information, a boy had been shot by a firearm in Madangir, Delhi. The person reporting the said incident (Vishal) was contacted telephonically and he informed that he and his friend Vikki (the victim) were present at the spot (Chabutra near Dilip Showroom, Madangir Delhi) and he saw that three boys wondering in the street. It is stated that one of the boys came up to him, threatened him and thereafter, took out a pistol from his right side pocket of the pant and aimed at the complainant.

He state that both of them tried to escape but one of accused (later identified as Ankit) fired a shot which passed through the victim's thighs. He also stated that the accused fired another round but bullet did not strike either of them.

3. It is the prosecution's case that the petitioner was also present at the spot and had also attempted to fire at the complainant (Vishal) and the victim (Vikky) but the weapon did not fire. It is also alleged that the petitioner had provided the weapons to the other co-accused and had exhorted the accused Ankit to fire on the complainant and the victim.

4. Mr Yadav, learned counsel appearing for the petitioner states that the complainant as well as victim have been examined and they have not supported the case of the prosecution. He also points out that Ankit (co-accused who had allegedly fired upon the complainant and the victim) has been granted bail by an order dated 10.01.2019.

5. In view of the above and on the principle of parity, this Court considers it apposite to allow the present petition. the petitioner shall be released on bail on his furnishing a personal bond in the sum of ₹50,000/- and one surety of the equivalent amount to the satisfaction of the concerned Jail Superintendent/SHO/Duty Magistrate.

6. This is also subject to the following further conditions:-

- (a) that the petitioner shall provide his contact number and ensure that he is reachable at all times;
- (b) that the petitioner shall not leave the National Capital Territory of Delhi;
- (c) that the petitioner shall mark his presence at the concerned police station on every Monday of every other alternate calendar week;

(d) that the petitioner shall not contact the complainant, the victim, their family members or any other witnesses either directly or indirectly;

(e) that the petitioner shall be available on each date of hearing before the Trial Court.

7. The petition is allowed in the aforesaid terms.

8. A copy of this order be communicated to the Jail Authorities electronically.

VIBHU BAKHRU, J

JULY 24, 2020

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