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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN.2020/2020**

VIPIN @ RANGILA Petitioner
Through: Mr.Arjun Singh Khurana, Advocate

versus

STATE NCT OF DELHI Respondent
Through: Mr.Kewal Singh Ahuja, APP for State

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **28.08.2020**
(Hearing through Video Conferencing)

The status reports dated 8.8.2020 and 22.8.2020 have been submitted on behalf of the State.

The applicant vide the present application seeks the grant of interim bail in relation to FIR No. 118/2017, Police Station Ambedkar Nagar registered under Sections 302/307/147/148/149 of the Indian Penal Code, 1860 and Section 25 and 27 of the Arms Act, 1959 for a period of 60 days submitting inter alia to the effect that his father is unwell and the applicant is the only bread winner of the family and the younger brother of the applicant does not support the family and that in view of the present pandemic his family has been suffering.

Inter alia, it has been submitted on behalf of the applicant that the main witness has not supported the prosecution version on being cross examined i.e. neither on being cross-examined on behalf of the applicant nor on being cross-examined on behalf of the State. It has

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also been submitted on behalf of the applicant that the brother of the applicant suffers from seizures and is unable to look after the father of the applicant.

The status report dated 8.8.2020 submitted by the State inter alia indicates that the applicant is also involved in FIR No. 2300/15, Police Station Malviya Nagar registered under Sections 365/307/323/34 of the Indian Penal Code, 1860 and Sections 25/54/59 of the Arms Act, 1959. Though through the status report it has been submitted that the documents in relation to the medical condition of the father of the applicant are found genuine, however further opinion regarding treatment could not be provided by the doctors as the enclosed documents were not legible. The status report further indicates to the effect that the applicant's father lives with the mother of the applicant Smt. Rekha and the brother of the accused, named, Vishal, the co-accused in the matter with his wife Ms.Sanju and one sister of the applicant namely Ms.Shilpa aged 25 years were also found residing at the same premises and that the brother of the applicant, namely, Vishal, his wife, sister and mother of the petitioner were all available to take care of the applicant's father.

Inter alia , it has been submitted through the status report that as per the CCTV footage installed near the place of occurrence which had been procured along with the DVR the involvement of the applicant is also indicated and that the CCTV footage was also shown to the witness Mr.Kunal, who identified the petitioner. The status report dated 22.8.2020 submitted on behalf of the State is virtually to similar effect. As regards the reliance placed on behalf of the

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petitioner on the testimony of PW-2 Mr.Vikas Arya recorded on 20.12.2017 to contend and submit to the effect that the same does not incriminate the applicant, on behalf of the State it has been submitted that the said witness was examined in chief when it was recorded on 20.12.2017 when he categorically identified the applicant and that the scope of the applicant having won over the witness by the time he was cross examined on 12.10.2018 cannot be ignored.

Without any observations on the merits or demerits of the trial that is in progress, on a consideration of the submissions that have been made on behalf of either side and that the factum that there is another FIR against the applicant and the factum that there are several family members available in the house of the applicant to look after the father of the applicant there is no ground whatsoever for grant of bail.

It is at this stage submitted on behalf of the applicant that the applicant has already been acquitted in relation to the FIR No. 2300/15, Police Station Malviya Nagar qua which it has been submitted on behalf of the State that the same is still pending as per the records of the State.

The Bail Appln. No. 2020/2020 is thus declined.

ANU MALHOTRA, J

AUGUST 28, 2020/SV

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