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

+ **BAIL APPLN. 2161/2020**

TINKU

..... Applicant

Through: Mr.Akram Khan, Advocate.

Versus

STATE NCT OF DELHI

.....Respondent

Through: Mr.Ashok Kumar Garg, APP for State.

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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02.09.2020

(hearing through Video Conferencing)

The applicant vide the present application seeks the grant of interim bail in relation to FIR No.75/2018, PS Delhi Cantt under Sections 394/397/411/34 of the Indian Penal Code, 1860 submitting *inter alia* to the effect that the applicant who is stated to have been allegedly involved in twelve (12) cases, is on bail in all cases except in five (5) cases which are all pending before the same learned Trial Court inclusive of the present case i.e. FIR No.75/2018, PS Delhi Cantt.

It has been submitted on behalf of the applicant that he has been in custody from 24.04.2018, that material witnesses of the prosecution have been examined and that the applicant be thus, allowed to be released on bail, in as much as, there was no independent witness stated to have joined the proceedings. It has further been submitted on behalf of the applicant through the application that there is no scope now of the applicant

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influencing any witnesses or tampering with the evidence as the material witnesses have been examined.

On behalf of the State, learned APP for the State has vehemently opposed the prayer made on behalf of the applicant submitting to the effect that the nominal roll received from the Superintendent Jail, Delhi concerned where the applicant is presently lodged as well as the status report submitted by the State through WhatsApp clearly indicates the involvement of the applicant in other cases, the details of which are mentioned in the nominal roll and the status report which read to the effect:-

FIR No.	U/S	PS
165/2018	394/397/411/34 IPC	VASANT KUNJ
170/2018	394/411/34 IPC	VASANT KUNJ
151/2018	392/34 IPC	KAPASHERA
61/2018	420/411/34 IPC	DELHI CANTT.
67/2018	394/34 IPC	DELHI CANTT.
68/2018	394/34 IPC	DELHI CANTT.
73/2018	394/34 IPC	DELHI CANTT.
74/2018	394/34 IPC	DELHI CANTT.
149/2018	394/34 IPC	DELHI CANTT.
156/2018	379/392/34 IPC	DELHI CANTT.
127/2018	394/34 IPC	MAHENDER PARK

It has also been submitted on behalf of the State that the statement of PW-3, the complainant recorded in the trial in relation to FIR No.75/2018, PS Delhi Cantt is categorical against the applicant.

Without any observations on the merits or demerits of the trial that may take place in relation to FIR No.75/2018, PS Delhi Cantt, taking into

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account the large scale of alleged involvement of the applicant in the commission of the crimes as put forth through the nominal roll as received from the Superintendent Jail, Delhi concerned, taking also into account the punishments and warnings issued to the applicant as per the nominal roll dated 31.08.2020 of the Superintendent Jail, Delhi concerned and also the factum that the allegations levelled against the applicant, *inter alia* related to him having put a knife on to the complainant and having snatched his belongings which are also alleged to have been recovered from the applicant and the factum that the applicant/accused refused to participate in the Test Identification Proceedings, qua which an adverse inference has essentially to be drawn against the applicant, coupled with the factum that the complainant examined as PW-3 has identified the applicant herein as being one of the assailants, there is no ground whatsoever for grant of interim bail despite the incarceration of the applicant for about two (2) years now.

The application is thus, declined.

ANU MALHOTRA, J

SEPTEMBER 02, 2020

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