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

+ **BAIL APPLN. 2209/2020**

DANISH

..... Petitioner

Through Mr.Salman Khurshid, Sr. Adv. with
Mr.Bilal Anwar Khan & Ms.Anshu
Kapoor, Advs.

versus

STATE (NCT OF DELHI)

..... Respondent

Through Mr.Naresh Kumar Gaur, SPP for
State.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **04.09.2020**

The hearing has been conducted through video conferencing.

1. Present petition has been filed under section 439 Cr.P.C. for grant of bail in pursuance to FIR No.131/2020 registered at Police Station Bhajanpura for the offences punishable under sections 147/148/149/458/ 380/436 IPC.
2. Mr.Salman Khurshid, learned senior counsel appearing on behalf of the petitioner submits that incident took place on 24.02.2020 at 7 pm initially and thereafter around 1 O'clock in the night whereas FIR was registered on 02.03.2020 i.e. much later than the occurrence of the incident. The petitioner is not named in the FIR. There is no disclosure who mentioned the name of petitioner and no recovery from the petitioner herein. Moreover, there is no CCTV/video footage.
3. Learned SPP has not disputed the aforesaid fact, however, submits that

petitioner himself disclosed in his disclosure statement that he was involved in the riots and committed offence as alleged in the present FIR. In addition to above, as per chargesheet, there is no CDR establishing that petitioner moved from his residence to the place of incident at 7 pm or 1 O'clock in the night. It is also stated in the chargesheet that no evidence could be recovered against the rioters, however, has filed chargesheet.

4. Keeping in view the aforesaid facts and the fact that petitioner was arrested on 08.03.2020 and is in judicial custody since 09.03.2020, I am of the view that petitioner deserves bail.

5. Accordingly, he shall be released on bail on his furnishing a personal bond of Rs.25,000/- with one surety of the like amount to the satisfaction of Trial Court.

6. Petitioner shall not directly or indirectly influence any witness or tamper with the evidence.

7. The Trial Court shall not get influenced by the observation made by this Court while passing the order.

8. The petition is, accordingly, allowed and disposed of.

9. Copy of this order be transmitted to the Jail Superintendent concerned and Trial Court for information and necessary compliance.

10. The order be uploaded on the website forthwith.

SURESH KUMAR KAIT, J

SEPTEMBER 04, 2020/ab