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

+ **BAIL APPLN. 1823/2019**

RAJ KUMAR @ RAJU

..... Petitioner

Through: Mr Yudhishter Sharma and Mr Rajesh
Kumar Aggarwal, Advocates.

versus

STATE

..... Respondent

Through: Mr Amit Gupta, APP for State.
SI Dham Singh, PS Subzi Mandi.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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05.02.2020

1. The petitioner has filed the present petition, *inter alia*, praying that the petitioner be released on bail in FIR No. 182/2017 under Section 307 of the IPC and Sections 25/54/59 of the Arms Act, 1959 registered with Police Station Subzi Mandi.
2. The petitioner has been in custody since 28.08.2017 and recording of the prosecution evidence is now completed.
3. The learned counsel appearing for the State has opposed the bail on, essentially, three grounds. First, he submits that the petitioner is a habitual offender and is involved in fourteen other cases. Second, he submits that the petitioner had not joined the investigations and proceedings under Section 82 of the Cr.P.C. had been initiated. Thus, there is a justifiable apprehension that the petitioner may jump bail. Lastly, he submits that the evidence

obtaining of this case clearly indicates that the petitioner is guilty of an offence for which he was charged and there is no doubt that he would be convicted.

4. Undoubtedly, the petitioner was involved in fourteen cases including the present case. However, reading of the order dated 31.05.2019 passed by the learned Trial Court indicates that most of the cases are over. Either the petitioner has been acquitted; or the matter has been compromised; or he has completed his sentence. One of the FIRs was also quashed by this Court. It is also seen that most of the FIRs were related to a period of 1997 to 2010.

5. Insofar as the flight risk is concerned, it is seen that the petitioner has faced proceedings in the other FIRs.

6. Considering the above and considering that the petitioner has been in custody for almost two and a half years, this Court considers it apposite to allow the present petition subject to the petitioner complying with the following conditions:

- (a) The petitioner may be released on bail on his furnishing a personal bond in the sum of ₹15,000/- with two sureties of an equivalent amount to the satisfaction of the Trial Court.
- (b) The petitioner shall mark his presence at Police Station Subzi Mandi on every Monday of calendar month.
- (c) He shall also provide his mobile number and ensure that he is reachable at all times.

- (d) The petitioner shall ensure that he shall attend the proceedings before the Trial Court.
 - (e) In addition, the petitioner shall not try and contact the complainant or any of their family members either directly or indirectly.
- 7. The petition is allowed in the aforesaid terms.
 - 8. Order *dasti* under signature of the Court Master.

VIBHU BAKHRU, J

FEBRUARY 05, 2020
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