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

+ **BAIL APPLN. 486/2024**
BHOLA

..... Petitioner

Through: Mr. Tahir Ali, Advocate (through
VC).

versus

THE STATE NCT OF DELHI

..... Respondent

Through: Mr. Hemant Mehla, APP for the State
with SI Satender Singh, P.S. Kotwali.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **20.03.2024**

1. The present application under Section 439 of the Cr.P.C. seeks regular bail in case FIR No. 79/2018, under Sections 328/379/411/34 of the IPC, registered at P.S. Kotwali.
2. The case of the prosecution is that the present FIR was registered on the basis of the victim identified as Magru S/o Satai, R/o Village-Belgara, Distt. Sultanpur, Uttar Pradesh, who stated that on 20.03.2018, he was going from Shalimar Bagh to his native place and he reached near Azadpur. It is alleged that a TSR offered him a ride and in the meantime one more person arrived who asked the victim to share the fare of the ride with him. It is further alleged that after a while, the person sitting adjacent to the victim, later on identified as Mujaffar Alam/co-accused, asked for a change of Rs. 500. It is alleged that on the said pretext the TSR driver, i.e., the present applicant stopped the TSR and then Mujaffar Alam/co-accused deboarded from the TSR and after some time came with a glass of juice and offered the same to the victim/complainant. It is alleged that after consuming the said juice, the victim/complainant had become unconscious and the two bags



belonging to him were stolen by the applicant and co-accused.

3. After the investigation, chargesheet has been filed, wherein the FSL report shows presence of “lorazepam” in the Gastric Lavage and recovery of medicines from the spot .

4. Learned counsel for the applicant submits that investigation in the present case is complete and the chargesheet is filed. All the public witnesses have been examined except for the Investigating Officer. It is further submitted that the present applicant has been in judicial custody since 22.03.2018 and had previously been released on interim bail on various occasions without misusing the liberty granted to him and had duly surrendered on time.

5. *Per contra*, learned APP for the State argued on line of the status report filed and he submitted that the public witnesses have been examined and they have duly identified the present applicant. It is submitted that the Trial is near completion and therefore the present application is opposed.

6. Heard learned counsel for the parties and perused the record.

7. As per nominal roll received from the concerned Jail Superintendent, the present applicant has been in judicial custody since 22.03.2018 and as on 08.03.2024 he has already been in custody for 03 years 01 month and 22 days. The applicant had been released on interim bail on previous occasion and had duly surrendered on time without misusing the liberty granted to him. It is further reflected from the nominal roll that the present applicant is not involved in any other offence.

8. In totality of the facts and circumstance of the case, the present application is allowed. The applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 25,000/- with one surety of like amount, to



the satisfaction of the learned Trial Court/Link Court, further subject to following conditions:

- i. The applicant shall not leave India without prior permission of the learned Trial Court.
 - ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
 - iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - iv. The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
 - v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
9. The application is allowed and disposed of accordingly.
 10. Pending application(s), if any, also stand disposed of.
 11. Needless to state that nothing stated hereinabove is an opinion on the merits of the case.
 12. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
 13. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MARCH 20, 2024/bsr