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

+ **BAIL APPLN. 534/2024**

SALIM @ TARTAR

..... Petitioner

Through: Mr. Shivender Kumar Sharma,
Advocate.

versus

THE STATE (GNCTD)

..... Respondent

Through: Mr. Laksh Khanna, APP for the State
with Insp. Sandeep Rathi, P.S. Madhu
Vihar, Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

11.03.2024

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1. By way of present application filed under Section 438 Cr.P.C, the petitioner/applicant seeks anticipatory bail in FIR No.20/2023 registered under Sections 302/120B/34 IPC at P.S. Madhu Vihar, Delhi.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and his name came to be surfaced for the first time only on 02.02.2023. He further submits that in the present case, three eye witnesses namely Chirag @ Noni, Billu @ Krishan Kant and Satyam Pandat in their initial statements have not named the present applicant with respect to the commission of the offence and the name of the applicant figured in the supplementary statement of these three people. He further submits that the only allegation against the present applicant is that he is seen in the CCTV footage at a prior point of time. It is further submitted that the applicant is not seen at the spot. He further submits that three of the co-accused who are similarly placed, have already been released



on regular bail.

3. The application is resisted by the learned APP for the State. He submits that the CCTV footage has been seized, which shows the present applicant standing alongwith other co-accused including the main accused Rahul @ Lebra and Soheb@ Wanted. He submits that the CCTV footage is of the same day. He further submits that the prosecution has also recorded the statement of one Aftab Alam, who is the owner of the said CCTV camera, who has stated that after he saw the accused persons going into backyard of the dispensary, he had followed them and heard them planning to commit the offence. He also saw knife in the hands of the main assailants and had specifically named the present applicant.

4. Considering that in the present case, Section 120B IPC is invoked and the present applicant is seen in the CCTV footage and the fact that he has been specifically named by the witness Aftab Alam, no case for anticipatory bail is made out.

5. Application is dismissed.

MANOJ KUMAR OHRI, J

**MARCH 11, 2024/
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