



\$~15

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

+ **BAIL APPLN. 1104/2024**

MD NASIR ALIAS SHARUKH

..... Petitioner

Through: Mr. Mohd. Rashid with Mr. Sahil
Hussain, Mr. Pappu Singh and Mr.
Danish Eqbal, Advs.

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Raghuvinder Verma, APP for
State with SI Suman Prasad, P.S.
Sarai Rohilla

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
08.05.2024

%

1. The present petition has been filed seeking regular bail in connection with FIR No. 805/2023 under Sections 392/397 IPC registered at P.S. Sarai Rohilla.
2. The case of the prosecution is that a complaint was made by the complainant alleging that when she was climbing the stairs of Zakhira Flyover accused came from behind and pressed her mouth. When she started screaming he placed the knife on the neck of the complainant. Thereafter accused/petitioner forcibly took off the phone of the complainant and ran away.
3. Learned counsel for the petitioner submits that in the present case, there is no CCTV footage nor there is any public witness to be examined.



He submits that the petitioner is in custody since 02.10.2023 and the testimony of the complainant/PW-1 has already been recorded on 04.04.2024.

4. He submits that insofar as reference made to the other cases in the status report is concerned, the petitioner is already on bail in FIR No.123/2023 under Sections 25/54/59 of the Arms Act registered at P.S. Moti Nagar and the other case is under the Delhi Excise Act.

5. He submits that the investigation in the matter is complete and no recovery has been made in the present case. He. Therefore, urges the Court to enlarge the petitioner on bail.

6. *Per contra*, learned APP has argued on the lines of the status report.

7. It is not in dispute that in the present case, there is no CCTV footage nor any public witness was examined by the prosecution. Even the recovery of the offence weapon or the alleged mobile has not been made. As regards the contradictions alleged in the testimony of the victim, needless to say that the probative value and the reliability of the said witness is only to be seen by the learned Trial Court during the trial. However, the investigation is complete and the custody of the petitioner is no more required.

8. As regards the cases in which the petitioner is alleged to be involved, suffice it is to note in connection with FIR No.123/2023 under Sections 25/54/59 Arms Act registered at P.S. Moti Nagar, the petitioner is already on bail. The other alleged case is under Delhi Excise Act and the trial of the said case has not yet commenced.

9. Since the petitioner is a permanent resident of Delhi therefore he does not seem to be flight risk. Nevertheless, to ensure the availability of the petitioner during the trial, appropriate conditions could be imposed.



10. Considering the aforesaid facts in totality, this Court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is enlarged on bail subject to his furnishing a Personal Bond in the sum of Rs. 10,000/- and one Surety Bond of the like amount to the satisfaction of the Trial Court/CMM/Duty Magistrate, further subject to the following conditions:-

- a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- b) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
- c) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.

11. The petition stands disposed of.

12. It is made clear that nothing stated above is to be construed as an expression of opinion on the merits of the case.

13. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.

14. Order *dasti* under signatures of the Court Master.

15. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

MAY 8, 2024/ns