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

+ BAIL APPLN. 2079/2024

AURENGZEB @AZHAR@BABA

.....Petitioner

Through: Mr. Onkar Sharma, Mr. Anup Kr. Srivastava, Mr. Deepak, Mr. J.K. Rawat and Mr. Rahul Sharma, Advocates.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Hemant Mehla, APP for the State with Inspector Prem Kumar, P.S. Maidan Garhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

04.07.2024

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1. Status report has been filed and the same be taken on record.
2. The Application under Section 439 Cr.PC has been filed on behalf of the petitioner seeking grant of Regular Bail in Case FIR No.271/2022, under Sections 186/353/307/427/120B & 25/27 Arms Act and Section 4/12 of DACP Act, registered at Police Station Maidan Garhi.
3. It is submitted in the Bail Application that he had earlier applied for bail before this Court but had withdrawn vide Order dated 25.09.2024, to approach the Court of learned ASJ. He has moved an application for bail before the learned ASJ, which has been dismissed on 20.05.2024.
4. The case of the prosecution is that on the intervening night of



29/30.06.2022, on the basis of the information received by the Police about the Cow slaughtering, the police apprehended the Honda City Car coming from the Bhati Mines and the five persons came out of the damaged Honda City Car and one of them indiscriminately fired a bullet at the Police team. Three persons were apprehend on the spot and on search of the car, cattle meat was found and one 'desi katta' was recovered from the co-accused Sajid @ Shaid, from his possession. The investigations have been completed and the Charge Sheet has been filed.

5. **Learned counsel for the petitioner** submits that he is in judicial custody since July, 2022. He had been released on interim bail but he got arrested in another Case and was unable to surrender on time. He, however, has been admitted on bail in the said Case FIR No. 456/2023 under Sections 307/3/25/27 Arms Act, Police station Tronika City, Ghaziabad vide Order dated 07.06.2024.

6. It is further submitted that he is willing to abide by any terms which may be imposed upon him. Moreover, the co-accused, who was named and was arrested on the spot, has already been granted bail by this Court. He was not apprehended on the spot and there is no cogent evidence against him.

7. **A Status Report** has been filed wherein it is submitted that the accused, who along with his associates, was involved in heinous crime and the co-accused had made a desperate effort to escape from the Police team. This Case is very sensitive on account of the point of Cows slaughtering. If he is enlarged on bail, he may destroy the evidence and jump the bail and may indulge in heinous offences.

8. It is further submitted that he had committed similar offence vide FIR No. 456/23 under Sections 307/3/25/27 Arms Act, Police station Tronika



City, Ghaziabad while he was on interim bail vide Order dated 05.08.2023. He is a resident of U.P. and had been earlier involved in Case FIR No. 803/2021 under Section 153A (1) (B) 429 DACP Act and Prevention of Cruelty to Animal Act, 1960 11(1) C & 25/54/59 Arms Act, P.S. Ranhola, New Delhi. The bail application is, therefore, strongly opposed.

9. Learned APP on behalf of the State submits that looking at his antecedents and heinous nature of the crime, the bail be not granted to the accused.

10. **Submissions heard.**

11. The co-accused Shanu, who had been arrested on the spot and against whom there are five such previous cases, has been granted bail vide Order dated 14.05.2024. The present applicant has not been apprehend on the spot and his name has been disclosed in the disclosure statement of the co-accused.

12. Considering the totality of the circumstances, the petitioner is enlarged on bail subject to his furnishing a Personal Bond in the sum of Rs.20,000/- and one surety amount of the like amount to the satisfaction of the Trial Court/CMM, Duty Magistrate, further subject to the following conditions:

- a) The petitioner/accused shall appear before the Court as and when the matter is taken up for hearing.
- b) The petitioner/accused 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 intimate 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.

13. The Petition stands disposed of.

14. The copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.

NEENA BANSAL KRISHNA, J

JULY 4, 2024/RS