



\$~3

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

+ **BAIL APPLN. 3307/2023**

DILSHAD

.....Petitioner

Through: Mr.U.M.Tripathi and Mr.Utsav
Srivastava, Advocates

versus

THE STATE OF NCT DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for State

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **27.09.2024**

1. An application under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of petitioner for grant of regular bail in FIR No. 0280/2019 under Sections 302/34 IPC registered at PS: Bhalswa Dairy.

2. In brief, as per the case of prosecution, present FIR was registered on statement of Sheikh Akhtar who stated that his cousin, deceased (Aakash) had met him around 1:00 pm on 22.05.2019 and informed him that he was going to collect rent of his Jhuggi. However, since Aakash did not return, the complainant started looking for him and saw six people namely Ramjan, Raees, Rafiq, Wahidul, Dilshad and Anwar on four bikes. Complainant further alleged that Anwar was carrying a sharp knife and saying that they had finished Aakash. On this, complainant reached at the spot and found Aakash in a pool of blood.

3. Learned counsel for the petitioner submits that complainant Sheikh Akhtar (PW-3) has already been examined and he did not identify petitioner in his examination. He further submits that petitioner was not seen in the CCTV footage near the place of incident and there is no connecting



evidence against the petitioner.

4. On the other hand, learned APP for the State opposes the application and submits that petitioner had absconded after the incident on 22.05.2019 and was arrested only on 30.08.2023. He further submits that petitioner is a flight risk.

5. Admittedly, petitioner has not been identified by Sheikh Akhtar (PW-3), during his examination in chief. Further there is no other incriminating evidence to link him to the commission of offence. Considering the facts and circumstances of the case, petitioner is admitted to bail on furnishing personal bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties in the like amount to the satisfaction of the learned trial court and subject to the following conditions:

- (i) Petitioner shall provide his mobile number to the Investigating Officer (IO) / SHO concerned at the time of release;
- (ii) In case of change of address, petitioner shall intimate / communicate his fresh address to the IO / SHO concerned as well as learned Trial Court;
- (iii) Petitioner shall not leave NCT of Delhi without prior permission of the learned trial court.

Application is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to the learned Trial Court and Superintendent Jail for information.

ANOOP KUMAR MENDIRATTA, J.

SEPTEMBER 27, 2024/v