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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2733/2024**

MD AASHIF ANSARI

.....Petitioner

Through: Mr. Jayant Kumar, Advocate for
petitioner.

Ms. Vaishali Singh, Advocate
(through V.C.) for petitioner.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

14.10.2024

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1. By way of present application, the applicant/petitioner seeks anticipatory bail in FIR No. 398/2024 registered under Sections 307/34 IPC and Sections 25/27 Arms Act at P.S. Dabri, Delhi.
2. Learned counsel for the applicant submits that as per the prosecution case, the present FIR came to be lodged in context of an earlier incident dated 23.06.2024. He submits that on that day the complainant alongwith his friend *Taufiq* had an altercation with co-accused, namely, *Nazim* and *Yunus*. He further submits that the applicant was not present on that date and even tried to pacify both the sides on 25.06.2024 when the disputes escalated and the alleged gunshot was fired by co-accused *Anas* and *Babu @ Paul*. Lastly, it is submitted that the only role attributed to the present applicant is of slapping the complainant.
3. The application is resisted by Ld. APP for the State who submits that the applicant was present on 25.06.2024 when two co-accused persons



namely, *Anas* and *Babu @ Paul* fired the gunshot. He submits that during the investigation, statement of *Taufiq* was recorded wherein he has stated that after the initial shots were fired, the applicant took over the pistol and also attempted to fire. As per the complainant, the role assigned to the present applicant is of slapping him whereas statement of *Taufiq* indicates that the present applicant attempted to fire gunshot which is in complete variance with the statement of complainant who has not stated so.

4. Considering the role assigned to the applicant, it is directed that in the event of arrest, the applicant be released on anticipatory bail, subject to him furnishing a personal bond in the sum of ₹ 25,000/- with one surety of like amount to the satisfaction of the Arresting Officer/Investigating Officer/SHO of the concerned Police Station and also subject to the following further conditions:-

- (i) At the time of furnishing bail bond, the applicant shall provide the mobile number, which he undertakes to keep operational at all times during the pendency of the trial.
- (ii) The applicant shall join the investigation as and when, he is asked for.
- (iii) The applicant shall inform the concerned Investigating Officer about his current residential address.
- (iv) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Investigating Officer/SHO.
- (v) The applicant shall not directly or indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
- (vi) The applicant shall regularly appear before the Trial Court as and when the charge sheet is filed.



5. In view of the above, the application stands disposed of.
6. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

MANOJ KUMAR OHRI, J

OCTOBER 14, 2024/ga