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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2854/2024**
TARIFPetitioner

Through: Mr. Rohit Shukla, Mr. Vivek Kumar
Gaurav and Mr. Abhay Solanki, Advs.

versus

THE STATE OF NCT OF DELHIRespondent
Through: Ms. Meenakshi Dahiya, APP with
Insp. Sharad K. Bishnoi.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **08.10.2024**

CRL.M.A. 30418/2024

An application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of petitioner for early hearing of the application for regular bail.

For the reasons stated in the application, the same is allowed and bail application is taken up for hearing.

Application is accordingly disposed of.

BAIL APPLN. 2854/2024

1. An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of petitioner for grant of regular bail in FIR No. 08/2023 under Sections 302/34 IPC registered at P.S.: Subzi Mandi Railway Station. Chargesheet has been filed under Sections 302/34 IPC and Sections 25/27 Arms Act.

2. In brief, as per the case of prosecution, present FIR was registered on 04.04.2023, on statement of Manoj, who stated that on 03.04.2023, while Durgesh (deceased) was roaming on the platform near Jhuggi, he was caught hold by accused Roshan and Tarif (petitioner), while Irfan stabbed him with a



knife inflicting fatal injuries. The accused fled after deceased shouted for help.

3. Learned counsel for petitioner submits that none of the material witnesses including brother of the deceased (Manoj) have supported the case of prosecution in evidence.

4. Learned APP for the State does not dispute the factual position but opposes the bail application on the ground that witnesses have been influenced. She further submits that petitioner does not have clean past antecedents.

5. Considering the facts and circumstances of the case, since none of the material witnesses have supported the case of the prosecution on the point of the identity of petitioner (Tarif) and in the absence of any other connecting evidence being brought to the notice of this Court, petitioner is admitted to bail on furnishing a personal bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with one surety 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) 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.

Next date of hearing, i.e., 18.11.2024 stands cancelled.

ANOOP KUMAR MENDIRATTA, J

OCTOBER 8, 2024

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