

\$~11

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

+ **BAIL APPLN. 2696/2020**

IRSHAD AHMED

..... Petitioner

Through Mr. Dinesh Tiwari, Adv.

versus

STATE NCT OF DELHI

..... Respondent

Through

Mr. Manoj Chaudhary, SPP for State

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

O R D E R

%

07.10.2020

The hearing has been conducted through video conferencing.

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail in case FIR No.80/2020, for the offences punishable under Sections 147/148/149/436/427/34 IPC and Sections 3/4 PDPP Act, registered at Police Station Dayalpur, Delhi.
2. Learned APP has opposed the present petition by stating that on 25.02.2020, around 100 people were standing on the terrace of the house of co-accused Tahir Hussain (main accused) and they were throwing petrol bombs on the house of Hindu community. Petitioner's name was disclosed by co-accused Tahir Hussain. Petitioner herein is an associate of the said accused. As per the statement of eye-witness, namely, Rohit, has confirmed petitioner's role and identification. Further, mobile phone location of the petitioner has ascertained his presence at the spot. Thus, the present petition

deserves to be dismissed.

3. It is not in dispute that there is no electronic evidence such as CCTV footage or photos to implicate the petitioner in the present case. As per the statement of Constable Pawan and Constable Ankit (both are eye witnesses and were present at the spot), they had identified the petitioner and other co-accused. However, they have not made any complaint on the date of incident, i.e. 25.02.2020, whereas the FIR was lodged on 28.02.2020. Thus, the said witnesses seem to be planted one.

4. Charge-sheet has already been filed. Trial of the case shall take substantial time. However, without commenting on the merits of the case, this Court is inclined to grant bail to the petitioner.

5. Accordingly, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- and with one surety in the like amount to the satisfaction of the Trial Court/Duty Judge.

6. The Trial Court shall not get influenced by the observation made by this Court while passing the order.

7. The petition is, accordingly, allowed and disposed of.

8. Copy of this order be transmitted to the Jail Superintendent concerned and Trial Court for necessary compliance.

9. The order be uploaded on the website forthwith.

SURESH KUMAR KAIT, J

OCTOBER 07, 2020/rk