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

+ BAIL APPLN. 2848/2020

SAIYAD IFTIKHAR

..... Petitioner

Through Mr. Mehmood Pracha and Mr. Jatin
Bhatt, Advs.

versus

STATE

..... Respondent

Through Mr. Naresh Kumar Gaur, SPP
ASI Arvind, PS Bhajanpura

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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12.11.2020

The hearing has been conducted through video conferencing.

1. Present petition has been filed by the petitioner under section 439 Cr.P.C. for grant of regular bail in pursuance to FIR No.165/2020 for the offences punishable under Sections 147/148/149/436/380 IPC registered at Police Station Bhajanpura.

2. It is not in dispute that petitioner's eye sight is weak (-3.75) and when he was arrested he was wearing spectacles. However, petitioner was arrested on the basis of CCTV footage along with co accused Ali Hasan but admitted fact is that in CCTV footage petitioner is not wearing spectacles. The alleged incident is dated 24.02.2020 at 21:31.50 hour. Thus, it cannot be believed that a person having such weak eye sight would have clear vision at night without spectacles. Moreover, CDR is not on record, whereby it could have been established that the petitioner was available at the site.

3. Keeping in view the above facts and the fact that petitioner is in JC since 11.04.2020, therefore, I am of the view that the petitioner deserves bail.
4. Accordingly, he shall be released on bail forthwith on his furnishing a personal bond in the sum of Rs.15,000/- with one surety of the like amount to the satisfaction of Trial Court/Duty Judge.
5. Petitioner shall not directly or indirectly influence any witness or tamper with the evidence.
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 information and necessary compliance.
9. The order be uploaded on the website forthwith.

SURESH KUMAR KAIT, J

NOVEMBER 12, 2020/ms