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

Date of decision: April 09, 2021

+ **BAIL APPLN. 969/2021**

PRADEEP RAI

..... Petitioner

Through: Mr. Sanjiv Dagar, Mr. Yogesh Verma,
Mr.Sumit Sehrawat, Mr.Gaurav Arora &
Mr.Umang Mittal, Advocates

Versus

THE STATE (NCT) OF DELHI

..... Respondent

Through: Mr. Amit Mahajan, Special Public
Prosecutor with SI Amit Kumar

+ **BAIL APPLN. 823/2021**

AMAN KASHYAP

..... Petitioner

Through: Mr. Rajeev Kumar Tiwari & Mr.Vinod
Tiwari, Advocates

Versus

STATE OF N C T OF DELHI

..... Respondent

Through: Mr. Amit Mahajan, Special Public
Prosecutor with SI Amit Kumar

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

JUDGMENT (ORAL)

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The hearing has been conducted through video conferencing.

1. In the above captioned petitions, petitioners are seeking bail in FIR No. 87/2020, registered at police station Dayalpur, Delhi. The FIR in question has been registered against petitioner-*Pradeep Rai* for the offences under Sections 302/147/148/149/ 379/427/436/ 120B/34 IPC and against petitioner-*Aman Kashyap*, for the offences under Sections 147/148/149/ 302/120B/34 IPC.

2. Since the subject matter of these petitions pertain to same FIR, these petitions were heard together and are being disposed of by this common order.

3. Learned counsel for the petitioners submits that one of the eye witnesses, namely, *Shashi Kant* is eye-witness in multiple FIRs i.e. FIR Nos.158/2020, 159/2020 and 163/2020, all registered at police station Dayalpur, Delhi to the incident dated 25.02.2020, which took place in Gali No. 10 as well as in the present FIR No.87/2020, which took place in Gali No.3. There is distance of around 500-700 meters between Gali No. 10 and Gali No. 3 and therefore, he seems to be planted witness.

On the last date of hearing, respondent/State was directed to verify as to how this witness- *Shashi Kant* had witnessed the incident which took place in Gali No. 10 and Gali No.3.

5. Respondent /State has placed on record supplementary status report dated 07.04.2021, wherein it has been specifically stated that the distance between Gali No.10 and Gali No.3 is about 350 meters.

6. In the prima facie opinion of this Court, it is possible that the eye witness, who in the present case is resident of Gali No.8, might have seen the incident taking place in Gali No.10, which is close to his place but how he could see the present incident, which has taken place in Gali No.3, and away from Gali No.10 and Gali No.8, is doubtful.

7. In the opinion of this Court, the veracity of the allegations alleged shall be tested at trial. However, keeping in view that petitioner is in judicial custody since 02.04.2020 and trial of the case shall take substantial time, without commenting on merit of the case, this court is of the opinion that the petitioners deserve bail.

8. Accordingly, petitioners –Pradeep Rai and Aman Kashyap are directed to be released on bail on their furnishing personal bond in the sum of Rs.20,000/- each with one surety each in the like amount, to the satisfaction of the trial court.

9. Petitioners shall not directly or indirectly influence any prosecution witnesses.

10. The Trial Court shall not get influenced by any observation made in this order.

11. The petitions are accordingly allowed and disposed of.

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

APRIL 09, 2021

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