

(2020) 02 DEL CK 0326
In the Delhi High Court
Case No : Bail Application No. 599 Of 2020

Rahis Ahmed

APPELLANT

Vs

State Of Delhi

RESPONDENT

Date of Decision : 28-02-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438
Indian Penal Code, 1860 — Section 34, 308, 323

Citation : (2020) 02 DEL CK 0326

Hon'ble Judges : Brijesh Sethi, J

Bench : Single Bench

Advocate : Sanjay Sharma, G.M.Farooqui

Final Decision : Dismissed

Judgement

Brijesh Sethi, J

1. Vide this order, I shall dispose of second anticipatory bail application filed on behalf of the petitioner Rahis Ahmed under section 438 Cr.P.C. in FIR

No. 183/18 u/s. 323/308/34 IPC, P.S. Nand Nagri.

2. Ld. Counsel for the petitioner has prayed for anticipatory bail on the ground that petitioner is innocent and has been falsely implicated in the present

FIR. It is submitted that first anticipatory bail application bearing no. 547/2019 moved by the petitioner was declined by this Court vide order dated

06.12.2019 on the ground that the investigation is at initial stage, petitioner is not joining the investigation and his custodial interrogation is required.

3. It is submitted that petitioner is ready to join the investigation as and when required and in these circumstances, it is prayed that petitioner be released on anticipatory bail.

4. The anticipatory bail is opposed by the Ld. APP for the State on the ground that the allegations against the petitioner are serious in nature. The first

anticipatory bail application moved by the petitioner has already been dismissed by this Court. Petitioner is still not joining the investigation. The

investigation is still in progress and at initial stage. The petitioner is not cooperating with the investigating officer. Custodial interrogation of the

petitioner is required for recovery of weapon. He has, therefore prayed for dismissal of the bail application.

5. I have considered the rival submissions. The first anticipatory bail application bearing no. 547/2019 moved by the petitioner was dismissed by this

Court vide a detailed order dated 06.12.2019 on the ground that the investigation is at initial stage, petitioner is not joining the investigation and his

custodial interrogation is required. Since then there is no change in the circumstances of the case. Petitioner is still not joining the investigation. The

investigation is still in progress and at initial stage and petitioner is not cooperating with the investigating officer. In view of the above facts appearing

on record and further keeping in mind the fact that custodial interrogation is required for recovery of weapon of offence, no grounds for anticipatory

bail are made out. The anticipatory bail application is, therefore, dismissed.

6. Dasti.