

SC no. 41/2019
State Vs. Gautam @ Sachin
FIR no. 65/2018
U/s 307/34 IPC
PS Maurice Nagar

21.02.2024

Present: Sh. Parvesh Ranga, Ld. Addl. PP for the State.

Sh. JS Mishra, Id. LAC for the accused Kishan.

SI Preeti on behalf of the IO.

The accused Kishan has filed on record handwritten application for grant of bail u/s 439 of the Cr.P.C. on the ground that he has been in JC since 21.12.2018, despite the fact that he is being represented by Ld. LAC Sh. JS Mishra.

Reply has been filed on record by the IO to the above said bail application opposing the same.

The FIR in question was lodged at the instance of the complainant Simranjeet Singh who alleged that on 30.05.2018, when he accompanied by his girlfriend Konica Gupta went to gate no. 1 of Bonta Park, he was attacked by the two assailants who are the accused persons by knives and stab injuries were given to him.

The reply filed by the IO reveals that NBWs were issued against the accused by the Id. MM as he was evading arrest and thereafter, on his arrest, he was correctly identified by the victim/complainant Simranjeet Singh during TIP proceedings.

During the course of arguments, Id. Counsel for the accused has argued that there is no chance of threatening the witnesses and tampering of the evidence as a number of witnesses have already been examined. It has been further argued that the accused has been in

JC for a period of more than five years and as such, the accused is entitled for bail.

It is true that as many as nine witnesses have been examined in the present matter by the prosecution but the number of witness cited by the prosecution is as many as 28. Furthermore, the complainant who has been examined as PW1 has specifically identified both the persons in the court on 22.03.2021.

Keeping in view the gravity of the offence, the fact that both the accused persons have been correctly identified by the complainant, I am not inclined to grant regular bail to the above said accused Kishan. As a result, the present application for grant of regular bail u/s 439 of the Cr.P.C. is hereby dismissed.

A copy of this order be given dasti to the counsel for the accused, as prayed for.

(Raj Kumar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
21.02.2024