

Bail Application No. 332/2016

FIR No. : 322/16

PS : Pahar Ganj

State v. Amit Nayak etc.

21.05.2018

Present: Sh.Wasi-Ur-Rehman, Addl. PP for the State.

Sh. Rohan Kahnai, Counsel for applicant/accused
Montu.

This is the fourth bail application filed on behalf of accused Montu. Prior to it, Bail application No. 122/2018 filed on behalf of the applicant came to be dismissed vide order dated 16.04.2018.

2. Ld. Counsel for the applicant/accused submits that name of the applicant/accused Montu does not find mention in the statement of any of the prosecution witnesses as offender and as such he be allowed bail. In support of his contention, Ld. Counsel has referred to decision **Lt. Col. Prasad Shrikant Purohit Vs. State of Maharashtra, IV (2017) DLT (Crl.) 320 (SC).**

3. I have gone through the decision by Hon'ble Apex Court as to which factors are to be taken into consideration for grant or rejection of bail.

4. Ld. APP submits that the applicant/accused refused to participate in TIP and further that Rahul, Ajay and Vinod injured are yet to be examined and they may identify the applicant/accused as the offender.

5. Charge has been framed against the accused persons, prima facie case having been made out for an offence under Section 302 IPC against **Amit Sharma accused** and as against the remaining seven accused, prima facie case having been made out for the same offence with the aid of Section 149; for an offence under Section 307 IPC against **Prakash accused** and as against the remaining seven accused, prima facie case having been made out for the same offence with the aid of Section 149; for an offence under Section 326 IPC against **Amit Nayak accused** and as against the remaining seven accused, prima facie case having been made out for the same offence with the aid of Section 149; for an offence under Section 326 IPC against **Prince accused** and as against the remaining seven accused, prima facie case having been made out for the same offence with the aid of Section 149; for an offence under Section 323 IPC against accused **Himanshu** (non-applicant), **Montu** (applicant), **Tarush** (non-applicant) **and Danish** (non-applicant) and as against the remaining four accused, prima facie case having been made out for the same offence with the aid of Section 149.

6. Case was registered on the statement of Sunil Dass. He specifically deposed about two incidents and also about use of knives in inflicting injuries by the offenders on the persons of Vinod, Azad and Arvind @ Surender @ Bablu. In the opinion of the doctor, stab injury was observed on the dead

body of Arvind Kumar @ Surender @ Bablu and the same was fatal in ordinary course of nature.

7. Case is pending for remaining PE.

At this stage, in view of the material available on record and grave allegations levelled by the prosecution, court does not find any ground to release the applicant/accused on bail.

Bail application is, hereby, dismissed.

(Narinder Kumar)
Special Judge NDPS – 02 (Central)
Tis Hazari Courts, Delhi.21.05.2018