

FIR No. : 332/16
PS : Pahar Ganj
State v. Amit Sharma @ Bewda

25.08.2018

Present: Sh.Wasi-Ur-Rehman, Addl. PP for the State.
Counsel for accused-applicant Amit Sharma @
Bewda (in **Bail application No.254/18**).

Counsel for accused-applicant submits that all the co-accused of accused-applicant Amit Sharma have already been allowed bail in this case and that accused-applicant be also allowed bail when the witnesses already examined have not deposed anything against him.

Learned Addl. Public Prosecutor opposes the bail application on the ground that charge for an offence u/s 302 IPC has been framed against the accused on the accusation that on 02.09.2016 at about 10:00 p.m, he along with others, caused death of Arvind @ Surender @ Babloo in furtherance of common object of unlawful assembly. Charge for offences u/s 307, 326, 324 read with section 149 have also been framed against him.

Record reveals that case was got registered by PW8 Sunil Dass. While appearing in court, he did not level any allegation against the accused-applicant. As regards the identity of the accused persons, he could not say if he or his companions, three juveniles were the assailants, the reason

being that he could not see their faces due to darkness. He so stated when Learned Addl. Public Prosecutor put leading questions to the witness. He did not depose anything against the accused-applicant.

Even another eye witness namely PW10 Chhotey Lal has not raised any accusing finger against the accused-applicant.

Learned Addl. Public Prosecutor submits that three injured witnesses are yet to be examined. This very ground was put forth by Learned Addl. Public Prosecutor while bail application of some of the co-accused were argued and accordingly, those bail applications were dismissed by this court.

Undisputedly, co-accused Danish, Mantu and Tarush have been allowed bail by the Hon'ble High Court. On the basis of said order, other co-accused have also been allowed bail. Accused is in judicial custody w.e.f. 05.09.2016. In the given circumstances, court allows bail to the accused-applicant Amit Sharma @ Bewda as well, on furnishing personal bond and surety bond in the sum of Rs.25,000/- each.

Bail Application No.254/18 is hereby disposed of.

(Narinder Kumar)
Special Judge NDPS – 02 (Central)
Tis Hazari Courts, Delhi.25.08.2018