

FIR No. : 57/18
PS : Timar Pur
State v. Ashwani Mishra
Bail Application No.07/19
15.01.2019

Present: Sh. Masood Alam, Counsel for accused-applicant
Ashwani Mishra.

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

Learned Counsel for accused-applicant submits that with the bail application, affidavit of Achey Lal-complainant has been filed wherein he has testified that he never specified before the police as to who had caught his throat but the case has been registered against his friend Ashwani Kumar and Sanjay @ Tunda.

Learned Addl. Public Prosecutor submits that case came to be registered on the basis of statement of the complainant-Achey Lal, wherein he levelled specific allegations against the accused-applicant and co-accused Sanjay Kumar @ Tunda (non-applicant).

Record reveals that case was registered on the basis of statement of Achey Lal on 01.04.2018. Occurrence took place on that day, at 10:05 a.m. As per MLC, incised wound on the neck of the victim was grievous in nature. Even, according to the complainant, Ashwani Kumar and Sanjay accused persons had proclaimed that he shall be finished on that day and that Ashwani accused-applicant inflicted injury on his neck

with a cutter. He specifically stated that this injury was inflicted on his person with a cutter with a view to kill him and both the accused had run away leaving him behind taking as if he had died.

In view of the specific allegations levelled by the complainant and the role attributed to the accused-applicant, the affidavit of the complainant annexed to the application does not come to the aid of the accused-applicant. *Bail Application No.07/19 is dismissed.*

Announced.

(Narinder Kumar)
Addl. Sessions Judge : (Central)
Tis Hazari Courts, Delhi.15.01.2019