

FIR No. 57/2018
State Vs. Ashwani Mishra
PS : Timar Pur

30.05.2019

Present: Sh. Wasi-Ur-Rehman, Addl. PP for State.
Complainant in person.
Sh. Masood Alam, Counsel for accused-applicant.
B. A. No. 221/2019
Arguments heard. Put up for orders at 4 pm.

(Neelofer Abida Perveen)
Additional Sessions Judge (Central)
Tis Hazari Court:Delhi
30.05.2019

ORDER on B. A. No. 221/2019 of accused Ashwani Mishra

This is the second bail application of accused Ashwani Mishra in case FIR No. 57/2018

Id. Counsel submits that it is alleged against the accused-applicant that complainant and accused-applicant were drinking wine and in condition of intoxication, they started fighting and abusing each other and accused Ashwani Mishra while sitting on the chest of the accused cut the neck by the cutter. That the earlier two bail applications were dismissed as withdrawn and the third bail

application was also dismissed by court of Sh. Satish Kumar, Ld. ASJ, Delhi and after committal of the case bail application moved by the applicant was dismissed on 15.01.2019. That the co-accused Sanjay Kumar @ Tunda has been granted bail by the Court of Sh. Kovai Venugopal, Special Judge, PC Act on 23.04.2018. That accused is married with Ms. Arti in the year 2016 and from the said wedlock, a male child was born on 15.10.2018 and there is no one to take care of mother and child except the accused-applicant.

Ld. Addl. PP, on the other hand submits that the role attributed to the applicant and the co-accused is different as the applicant is alleged to have sat on the chest of the victim and caused injury with cutter on the neck of the victim.

The accused is charged for commission of offence under Section 308 IPC and has been in custody for over one year. Trial is yet to commence and is likely to take time. The co-accused has already been granted bail. In view thereof, accused-applicant is admitted to bail upon furnishing personal bond in the sum of Rs.20,000/- with two sureties in the like amount and subject to the condition that prior to his release, he shall give the mobile phone number of self and of at least one other responsible family member besides

that of the surety to the IO and the Court. That he shall scrupulously appear on each and every date of hearing before the court so as not to cause any obstruction or delay to its progress and he shall not interfere with the proceedings in any manner. That he shall not engage in any criminal activity. That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her/them from disclosing such facts to the Court or to any police officer or tamper with the evidence; and that he shall not leave India without the prior permission of the court and to ensure due compliance with this condition and shall deposit his passport, if he holds one, with the Court. He shall not change his mobile phone number and address without prior intimation to the IO and the sureties and shall also intimate the IO in the event of change of address. Accused shall get his presence marked at local police station on every Sunday of the week before the concerned SHO.

The bail application is disposed of accordingly.

(Neelofer Abida Perveen)
Additional Sessions Judge (Central)
Tis Hazari Court:Delhi
30.05.2019