



CNR No. DLCT01-002205-2023

SC No. 88/2023

IA No. 01/2023

State Vs. Deepak @ Deepu

FIR No. 648/2022

PS DBG Road

U/s. 307 IPC

BAIL APPLICATION OF APPLICANT DEEPAK @ DEEPU

08th May, 2023

Present: Sh. Mohd. Iqrar, Ld. Addl. PP for state.
Sh. Suresh Jha, Id. Counsel for
applicant/accused Deepak @ Deepu.

1. Reply filed. Arguments heard.
2. This is an application filed on behalf of the applicant/accused Deepak @ Deepu (hereinafter referred to as applicant) for grant of anticipatory bail.
3. It is argued that the the applicant is in J.C. since 19.10.2022 and he is innocent and victim of false implication in the present case and has nothing to do with the alleged offences. It is further argued that the applicant has not caused any injury to the injured and the injured has already been discharged from the hospital. It is further argued that the investigation has been completed and charge-sheet has been filed and there is no need of custodial interrogation of the applicant. It is further argued that the applicant is not a previous convict. It is further argued that the brother of the victim namely Deepak son of

Sh. Om Prakash has quarelled with the father of the applicant namely Hari Bawaria and in the quarrel, Deepak son of Sh. Om Prakash has received severe injuries on his legs and thereafter, both of them went to the police chowki Siddhi Pura, Delhi and thereafter the police officials have not registered the FIR/cross case against the complainant party and they advised them to go to the hospital for their medical and on 18.10.2022, Hari Bawaria went to RML Hospital and he was medically examined there. It is prayed that the applicant be released on bail.

4. Application has been opposed by the ld. Addl. PP for State on the ground that the allegations against the applicant are serious in nature. It is further submitted that the crime is heinous in nature. It is further submitted that in the CCTV footage, the applicant is seen attacking the victim with the knife. It is further submitted that the applicant is the neighbour of the victim and he may threaten the witnesses and tamper with the evidence, if released on bail. It is further submitted that the case property i.e. blood stained knife has been recovered on the instance of the applicant. It is further submitted that the trial is at the initial stage. It is further submitted that the applicant is found involved in several other criminal cases. It is prayed that the bail application of the applicant be dismissed.
5. As far as the question of grant of bail under Section 437 Cr. P.C. and 439 Cr. P.C. is concerned, the law in this regard has been settled by the Hon'ble Supreme Court of India in various judgments and has laid down various

considerations for grant or refusal of bail to an accused in non bailable offences like:

- (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;
- (ii) Gravity and seriousness of offence and punishment which the conviction will entail;
- (iii) Nature of accusation and evidence therefor;
- (iv) Reasonable possibility of securing presence of the accused at trial and likelihood of him absconding or fleeing if released on bail;
- (v) Possibility of the offence being repeated;
- (vi) Conduct, character and behaviour of accused;
- (vii) Reasonable apprehension of the witnesses being tampered with;
- (viii) Means position and standing of the accused in the society;
- (ix) Danger, of course, of justice being thwarted by grant of bail;
- (x) Balance between the rights of the accused and the larger interest of the Society/State;
- (xi) Any other factor relevant and peculiar to the accused;
- (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused.

6. In the landmark judgment of ***Gurcharan Singh and Others Vs. State (AIR 1978 SC 170)***, it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the Courts. It was further held that there cannot be any inexorable formula in the matter of granting bail and the facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was

further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

7. The brief facts of the case are that the present FIR was registered on the statement Smt. Bimla Devi that on 18.10.2022 in the afternoon, her son Deepak and her neighbour Hari Bawaria had quarrel with each other and both of them left from the spot stating that they will go to police. At around 4.30 p.m., the accused Deepak @ Deepu who is son of Hari Bawaria came in the gali in inebriated condition and started abusing. On hearing the sound, son of complainant namely Sunil came in the gali upon whom the accused inflicted knife blows and attempted to cause his death. After causing injuries, the applicant fled away from the spot.
8. Injured was taken to RML Hospital where he was medically examined vide MLC dated 18.10.2022 at 6.13 p.m. which records the following injuries upon the injured :

- 1. Incised wound (R) Ear Pinna (2x1x0.5 cm)*
- 2. Abrasion (L) Eyebrow 1x1 cm*
- 3. Incised wound (R) Lumb on region 2x0.5x0.5cm*
- 4. Incised wound (L) Arm 3x10 cm x 0.5 cm*
- 5. Incised wound (L) forearm 3x1.5x1 cm*

*6. Incised wound (L) over (L) side of chest-
1x0.5x0.5 cm and 0.5x0.3x0.5 cm*

9. During investigation, the applicant was arrested and weapon of offence i.e. blood stained knife was recovered at the instance of the applicant upon which the FSL result is still pending.
10. The charge-sheet reveals that the CCTV footage of the incident was also gathered in which at 4.31 p.m., the applicant can be seen attacking the victim Sunil with knife.
11. The applicant is specifically named in the FIR. The FSL result is yet to be obtained. The role of the applicant is clear in the commission of the present offence. The weapon of offence has also been recovered from the applicant. The applicant is also found involved in a number of previous criminal cases. The victim is yet to be examined in the present case.
12. Considering the overall facts and circumstances of the present case, this Court is not inclined to grant bail to the applicant.
13. Application filed by the applicant for grant of regular bail is hereby dismissed.
14. Copy of this order be given dasti to the Id. Counsel for the applicant.
15. A hard as well as soft copy of this order be also sent to the concerned Jail Superintendent for information and necessary action.

16. The application is disposed of in above terms.

(SUSHIL ANUJ TYAGI)
ASJ-04/Central/Delhi
08.05.2023_(VR)