

SC No. 214/18
State Vs. Kamal Kumar
FIR No. 456/17
PS : Burari

30.05.2019

Present : Sh. Alok Saxena, Ld. Addl. Public Prosecutor for State.
Accused Kamal Kumar produced from JC.
Sh. M.C. Kashyap, Ld. Counsel for accused Kamal Kumar.
Inspector Naresh Kumar from PS Burari.

Ld. Addl. Public Prosecutor submits that FSL report has already been filed.

Pursuant to order dated 09.04.2019, Inspector Naresh Kumar has appeared from PS Burari. He has filed a report. It is stated in the report that FSL result has been filed; that Ms. Anjali has been interrogated but no evidence against her has appeared; that two accused persons namely Chandan Kumar and Kundan Kumar are absconding and have been declared proclaimed offenders; that after arrest of the absconding accused persons, supplementary charge-sheet will be filed and if any evidence appears against Ms. Anjali, action will be taken against her.

At this stage, Ld. Counsel for accused Kamal Kumar submits that an application for grant of interim bail filed under Section 439 of Code of Criminal Procedure is pending and that it may be decided. The application is taken up for hearing.

Arguments are advanced by Ld. Counsel for applicant. It is argued that the applicant is an innocent person and has been falsely implicated in the present case; that the applicant is in judicial custody since 23.08.2017; that investigation is complete and charge-sheet has been filed. He submits that the interim bail has been sought by the applicant on the ground of surgery of uterus of his wife.

Ld. Addl. Public Prosecutor has opposed the application for interim bail. He submits that the applicant has committed the offence of murder. He submits that in case the applicant is released on bail, he may commit other offences and may even abscond. He submits that the case is at the stage of prosecution evidence. He further contends that the applicant might cause harm to the witnesses or try to pressurize or threaten the witnesses as they are still to be examined. It is lastly contended that there are other family members of the applicant who are in a position to look after the wife of the applicant and there is no requirement of grant of bail to the applicant for this purpose.

I have heard arguments.

The applicant is allegedly involved in commission of offence under Section 302 of IPC. Public witnesses are still to be examined. There are chances that the applicant may threaten the witnesses or try to cause harm to the witnesses.

Other family members of the applicant can look after the wife of the applicant. It has not been explained as to how release of the applicant would help in treatment of his wife in a manner which cannot be done by other family members.

Moreover, given the gravity of offence, and the extent of punishment that may possibly be inflicted, there are chances that the applicant may abscond, if released.

Considering the aforesaid circumstances, I do not deem it fit to grant interim bail to the applicant. The application for interim bail of applicant Kamal Kumar is dismissed.

Copy of this order be given dasti to Ld. Counsel for applicant/accused, as prayed.

The case is fixed for evidence.

PWs SI Amit and Sh. Gandhari Ram are present. Testimony of SI Amit and Sh. Gandhari Ram is recorded as PW1 and PW2. Cross-examination of PW1 SI Amit is deferred for the next date as no time is likely to be left today for remaining testimony of this witness. PW2 Sh. Gandhari Ram is examined-in-chief and cross-examined in part, which has consumed about two hours. It is 1:30 p.m. (lunch time).

Put up at 2:00 p.m. for remaining cross-examination of the witness.

(Ashish Aggarwal)
Addl. Sessions Judge-3, Central District
Tis Hazari Courts, Delhi
30.05.2019

At 2:00 p.m.

Present : Sh. Alok Saxena, Ld. Addl. Public Prosecutor for State.
Accused Kamal Kumar produced from JC.
Sh. M.C. Kashyap, Ld. Counsel for accused Kamal Kumar.
PW2 Sh. Gandhari Ram is present.

PW2 Gandhari Ram is further cross-examined in part. His cross-examination is continued till 4:00 p.m. The witness is bound down to appear on next date for remaining cross-examination.

Put up for remaining cross-examination of PW2 Gandhari Ram and for cross-examination of PW1 SI Amit on 25.07.2019.

(Ashish Aggarwal)
Addl. Sessions Judge-3, Central District
Tis Hazari Courts, Delhi
30.05.2019