

**DLCT01-010533-2022**



**IA No. 01/2022  
SC No. 442/2022  
FIR No. 330/2022  
PS Burari**

**State Vs. Mukesh Kumar @ Lukka  
U/s. 394/397/411/34 IPC & 25/54/59 Arms Act  
BAIL OF APPLICANT RAJAN**

**24<sup>th</sup> August, 2022**

**Present:** Mohd. Iqrar, Ld. Addl. PP for state.  
Sh. Satyam Sisodia, Id. Counsel for  
applicant/accused Rajan.

1. This is an application for seeking regular bail u/s. 439 Cr. P.C. filed on behalf of the applicant/accused Rajan (hereinafter referred to as an applicant).
2. It is argued on behalf of the applicant that he is in custody since 07.04.2022 and that he has been falsely implicated in the present case. It is further argued that the charge-sheet has already been filed in the present case and the applicant is no more required for the purpose of investigation. It is further argued that no case under Section 394/397 IPC is made out against the applicant and even if the prosecution case is taken as gospel truth, only Section 411 IPC is attracted for which the punishment is three years. It is argued that the applicant is a permanent resident and there are no chances of his absconding or tampering with the prosecution evidence. It is further argued that the applicant was of only 19 years of age at the time of commission of offence. It is further argued that the recovery of mobile phone

and Rs. 500/- have been planted upon the applicant. It is further argued that the applicant is not a previous convict. Ld. Counsel for the applicant has relied upon the judgment of Hon'ble High Court of Delhi dated 25.07.1995 in case titled as “***Shyam Behari Vs. State of Delhi Cr. M. (M) No. 1021 of 1995***”. It is further argued that the applicant in the abovesaid case only caught hold of the victim and he was granted bail by the Hon'ble High Court. It is further argued that the trial is going to take long time and no purpose would be served by keeping the applicant behind the bars. It is prayed that the applicant be released on bail.

3. The application is opposed by the Ld. Addl. PP for State. It is submitted that the allegations against the applicant are of grave nature and the complainant was looted of his mobile phone and his money while attacking him with knife due to which he has sustained serious injuries. It is further submitted that the mobile phone and part of looted money has been recovered from the possession of the applicant. It is further submitted that the applicant is found involved in two other cases.

4. Arguments heard. Record perused.

5. The allegations against the accused are that he alongwith two other co-accused persons looted the complainant on the point of knife and also caused injuries to the complainant by stabbing him with knife. The part of looted money i.e. Rs. 500/- and the mobile phone of the complainant was recovered from the possession of the applicant. The averment that the applicant has only caught hold of the complainant does not mitigate the act of the applicant vis a vis the other accused persons, as the law

prescribes the same punishment even for the co-accused persons who are standing and doing covert acts. The MLC of the complainant reveals stab and other cut injuries on his person. The allegations against the applicant are of serious nature. The judgment cited by the counsel for the applicant is distinguishable on facts.

6. Considering the gravity of the offence and severity of the punishment, this Court is not inclined to grant bail to the applicant/accused Rajan at this stage. Application is accordingly dismissed.

7. Application stands disposed of in above terms. Copy of this order be given dasti to ld. Counsel for applicant/accused.

8. Copy of this order be also sent to the concerned Jail Superintendent for information and necessary action.

**(Sushil Anuj Tyagi)**  
**ASJ-04/Central/Delhi**  
**24.08.2022<sup>(VR)</sup>**