

IN THE COURT OF MS. SURABHI SHARMA VATS, ASJ-04
(SHAHDARA), KARKARDOOMA COURTS, DELHI

SC No. 29/2024, IA No. 05/2024

State Vs. Akash @ Manik

FIR No. 214/2023

PS: Shahdara

U/s. 307/341/506/34 IPC

19.07.2024

This is the fourth application under Section 439 Cr.P.C. for grant of bail moved on behalf of applicant/accused Akash Manik.

Present: Sh. Virender Singh, Ld. Addl. PP for the State.
Mother of the applicant/accused is present in person along with Ld. Counsels Sb. B.P. Sharma, Sh. Ashish Gill and Ms. Shivani Kathpalia.
Parents of complainant are present in person.

Arguments on the bail application already heard.

1. It is submitted by Ld. Counsel for the applicant/accused that applicant/accused is in Judicial Custody since 15.07.2023 and no useful purpose will be served by keeping the applicant/accused behind the bars; that the co-accused Yash has already been granted bail by this court vide order dated 24.05.2024; that the complainant namely Rahul has been blackmailing the present applicant/accused for settlement; the chargesheet has already been filed in the present case and the matter is at the stage of PE.

2. Ld. Counsel for the accused/applicant has further argued that the present matter has been registered by the complainant/victim after obtaining legal advice since the complainant is working as a driver with a Lawyer; that the grievous injuries on the person of the complainant/victim are also managed; that as a matter of record, a Kalandara under Section

107/151 Cr.P.C was registered against the accused/applicant Akash @ Manik and the victim/injured which has now been disposed off.

3. Ld. Counsel for the applicant/accused further submitted that applicant/accused should not be kept in custody when the co-accused has been granted bail and thus, the applicant/accused Akash @ Manik also seeks bail on the ground of parity since co-accused Yash also attacked the victim; that the applicant/accused undertakes to abide by all the directions which this court pleases to impose to enlarge him on bail.

4. Per-contra, Ld. Addl. PP for the state has strongly opposed the bail application stating that allegations against the accused/ applicant are grave in nature; that the victim/ injured has stated in his statement that accused/applicant Akash @ Manik resides nearby the house of the complainant/victim and he always used to quarrel and fight with the victim; that last year on the day of Rakhi, applicant/accused Akash @ Manik had again fought and beaten the victim Rahul. Then, both the parties were arrested in Kalandra under Section 107/151 Cr.P.C.

Ld. Addl. PP for the State further submits that as per the statement of victim/complainant Rahul, the applicant/accused Akash Manik after getting released from SEM Court, had threatened victim Rahul to kill him and since then the victim did not used to even pass by the house of the applicant/accused Akash @ Manik to avoid any further quarrel between them. Further, the applicant/accused Akash is a person of quarrelsome nature and is also involved in other criminal cases.

Ld. Addl. PP for the State has further submitted that on 18.05.2023 at about 11.30 PM, when the victim/complainant Rahul along with his sister Pihu was going on a Scooty towards his home after buying an ice-cream; that applicant/accused Akash @ Manik along with his associate caught hold of him and started abusing him; that applicant/accused told the complainant that *“saale aaj teri bahan tere saath hai isliye tujhe jaane de rahe hai. Ab jab bhi kabhi akela milega, to tujhe jaan se maar denge”*. The complainant/victim got scared and he also gave an information regarding this incident through a call to the Police.

5. Then, on 12.07.2023 at about 7:00 PM, when victim Rahul was going to buy pizza for his sister on his scooty, he was stopped by applicant/accused Akash @ Manik and co-accused Yash on the gate of his colony near Jain Electronics and the applicant/accused Akash @ Manik threatened the victim that *“aaj tu mujhe akela mila hai, aaj hum tujhe jaan se maar denge*; thereafter, both the accused persons took out the knives and then, firstly applicant/accused Akash @ Manik with an intention to kill the victim Rahul, stabbed the victim on his neck and then, both the accused persons with an intention to kill the victim, stabbed him on various parts of his body.

6. Parents of the victim are present before the court who have stated that their son/victim Rahul could have died and somehow he could be saved, however, still he is facing health issues due to injuries inflicted by the applicant/accused Akash @ Manik on his person. Parents of the complainant/victim Rahul further submit that neither their son/complainant/victim Rahul nor themselves have ever tried to contact or approach the

applicant/accused or his mother for any settlement or compromise of this matter.

7. At this stage, mother of the applicant/accused Akash @ Manik has conceded the submissions made by the parents of the victim/complainant Rahul and has stated that it was some neighbour who asked her (mother of accused/applicant) to settle the matter.

8. Ld. Addl. PP for the State has submitted that the applicant/accused Akash @ Manik is previously involved in other criminal cases. Further, the role of applicant/accused Akash @ Manik is graver than the role of accused Yash since applicant/accused Akash @ Manik was having previous enmity with the victim and he was the one who threatened the victim that he would kill him whenever he will get a chance; that this fact is also duly admitted by Ld. Counsel for applicant/accused that co-accused Yash was not having any enmity with the victim. Moreover, the main accused/applicant namely Akash used to quarrel with the victim on earlier occasions as well. Infact, admittedly, one Kalandra u/s. 107/151 Cr.P.C was registered against the accused/applicant Akash as well as against the complainant Rahul. After getting released in the Kalandara, accused/applicant Akash @ Manik had threatened the victim that he would kill him, however, co-accused Yash had not given any such threat to the victim. Thus, it is writ large that the role of the applicant/accused Akash @ Manik is much graver than the co-accused Yash who has been enlarged on bail. Thus, applicant/accused does not deserve any bail in this matter.

9. This Court has heard the arguments on this application and has also perused the available record.

10. It is well settled principle of law that at the stage of determining the question of bail, minute/ detailed evaluation of the facts and appreciation of evidence on merits, is not to be done.

As per the case of prosecution, the applicant/accused Akash Manik along with his co-associate attacked the victim in a pre-meditated manner and attempted to kill him whereby, victim sustained grievous injuries. Admittedly, applicant/accused Akash @ Manik also had a fight with the victim prior to this incident and a case under Section 107/151 Cr.P.C (Kalandra before SEM) was also registered in this regard.

The applicant/accused Akash @ Manik is also stated to be involved in other criminal case. However, the co-accused Yash was not having any other previous involvement in any case. Moreover, the role of applicant/accused Akash @ Manik is stated to be graver than the role of accused Yash since applicant/accused Akash @ Manik was having previous enmity with the victim and he was the one who threatened the victim that he would kill him whenever he will get a chance and eventually, he executed his plan.

Injured/complainant has not been examined yet. Possibility of threatening or inducing the victim or witnesses by the applicant/accused Akash @ Manik and again indulging in criminal activities or similar offence cannot be ruled out, at this stage.

Considering the gravity of offences, role of the accused/applicant, his previous enmity/animosity with the victim and entirety of the facts and circumstances coupled with above

stated reasons, this Court does not find it a fit case to grant bail to the accused/ applicant Akash @ Manik, at this stage. Therefore, the present bail application stands, **dismissed**.

11. *Nothing expressed hereinabove, shall tantamount to any opinion on the merits of this case.*

Copy of the order be given dasti to Ld. Counsel for applicant/ accused and to the I.O, as per rules. Bail application stands disposed off.

(SURABHI SHARMA VATS)
ASJ-04, Shahdara/KKD Courts,
Delhi/19.07.2024