

State Vs Durgesh

FIR no.51/17

U/s 302/120B/34 IPC and 25/54/59 Arms Act

PS Karawal Nagar

05.07.2018

Present: Sh.Zenul Abedeen, Ld.Addl.PP for the State with IO.

Ld.Counsel for accused/applicant.

Heard. Record perused.

It is alleged in the FIR that on or before 05.02.2017, he alongwith other co-accused persons hatched a conspiracy to eliminate deceased Jai Kumar @ Lala as he wanted to grab their cable business and engaged one Durgesh as contract killer to kill the deceased. It is further alleged on 05.02.2017 at about 11.30 p.m. at gali no.1, B block, Shanti Nagar, Delhi , present accused alongwith co-accused Sunil @ Sonu in furtherance of their common intention committed murder of deceased Jail Kumar @ Lala.

Ld.Counsel for the accused/applicant argued that accused has been arrested on the basis of disclosure statement of co-accused Jitender @ Bittu. It is further argued that co-accused Jitender @ Bittu and Saurabh have already been released on bail. Accused has been running in JC since 24.04.2017. It is, therefore, prayed that present accused be released on bail on ground of parity.

On the other hand, Ld.Addl.PP for the State has opposed the bail application stating that offence is serious in nature. It is argued that co-accused Jitender @ Bittu, Sunil @ Sonu, Saurabh @ Sonu hatched a conspiracy to kill the deceased Jai Kumar @ Lala, whereas

the role assigned to the present accused is that he being the contract killer committed murder of deceased Jai Kumar @ Lala alongwith other co-accused Sunil @ Sonu. It is further argued that co-accused Sunil @ Sonu is yet to be arrested and proceedings u/s 83 Cr.PC against him is going on. It is further argued that material witnesses are yet to be examined and there is every likelihood that in case accused is released on bail, he may influence the witnesses. It is prayed that bail application of the accused be dismissed.

Considering the nature, gravity and seriousness of offence coupled with the facts that other co-accused Sunil @ Sonu is absconding, proceedings u/s 83 Cr.PC against co-accused Sunil @ Sonu is going on, material witnesses are yet to be examined and also considering the role assigned to the present accused that he alongwith other co-accused committed murder of the deceased, I am not inclined to grant bail to the accused/applicant on parity. Application is accordingly, dismissed. Copy dasti.

Put up for PE on 01.08.2018, the date already fixed.

(LALIT KUMAR)
ASJ-03(NE)/ KKD/05.07.2018