

SC No. 378/18
State Vs. Ashish Sharma & Ors.
FIR No. 64/18
PS: Special Cell
09.05.2019

ON BAIL APPLICATIONS

Present: Sh. S.K. Kain, Additional PP for the State.

Accused Ashish Sharma on bail present with Sh. Kanhaiya Singhal, Advocate.

Sh. Sumit Sharma, Advocate for accused Asim Ali.

Sh. Anil Bhardwaj, Advocate for accused Praveen and Rajender.

Sh. Samarth, Ms. Priyanka, Sh. Nishant and Ms. Tanushree, Advocates, proxy counsels for Sh. Rajiv Mohan, Advocate for accused Lalit.

IO/SI Anuj is also present in person.

Supplementary charge sheet/e-challan filed against accused Asim, Praveen, Rajender, Pawan and Lalit. Copies of the same supplied to the learned counsels appearing on behalf of the accused.

Compliance Report regarding previous order dated 27.04.2019, whereby, IO was directed to preserve the CDRs of mobile phone numbers 9996461930 and 9213939569 filed. The same is taken on record. Copies of the same supplied to the respective Advocates.

Further, during arguments on the bail applications of accused Praveen and Rajender, it has transpired that the applications seeking voice sample of accused persons namely Rajender, Praveen, Asim and Pawan, moved on behalf of the IO are pending adjudication.

The learned counsels representing the accused persons submit that they have will to seek instruction from the accused persons before making any statement/submission in that regard. Taking note of the fact that the consent/non-consent of the accused would also have bearing on the merits of the case as well as on the bail application, at request, the bail applications be put up on the date already fixed for consideration.

An application has also been filed on behalf of accused Ashshih Sharma, seeking release of Scooty and other personal search articles. Reply to the said application has been filed by the IO. IO has no objection to the release of Scooty bearing No. MP28-SA-6202, which is in the name of Smt. Roshni, wife of accused, one purse, Rs. 2070/- and four photographs, to accused Ashish Sharma. IO is directed to release the said articles to the applicant on furnishing indemnity bond of Rs. 40,000/- and after taking photographs of the Scooty from different angles including the engine and chassis number to sufficiently identify the vehicle. Accused shall not dispute the identity of the same during trial and shall not dispose of the same without prior permission of the court.

An application has also been filed on behalf of accused Ashish Sharma under Section 306 Cr. PC. Reply to the said application, if any, be filed within two weeks from today. At request, be put up for consideration on the date so fixed.

The learned proxy counsels, appearing on behalf of Advocate for accused Lalit have submitted that Sh. Rajiv Mohan, Advocate would be available at 2.00 pm for rebuttal arguments/on the supplementary charge sheet.

However, IO submits that because of prior official engagements and duty in Lok Sabha Election, 2019, it would be difficult for him to appear in the post-lunch session and assist the court.

At request, the bail application of accused Lalit be put up on the date already fixed i.e. 29.05.2019 for consideration. Copy of the order be given dasti as prayed.

(Anil Antil)

Addl. Sessions Judge-04,
New Delhi District, Patiala House Courts
New Delhi/09.05.2019