

IA No. 11/24 in SC No. 44277/15
State Vs. Ajay @ Chhote
FIR No. 212/2011
PS Karawal Nagar



13.08.2024

ORDER

1. Vide this order I shall dispose off the 4th bail application u/s. 483 BNSS, 2023 moved on behalf of accused / applicant Ajay @ Chhote for grant of regular bail. Reply filed by the IO.

2. It is submitted by Id. Counsel for the applicant/accused that there is no other bail application preferred by the present applicant/accused which is pending disposal before the Hon'ble Supreme Court of India, before the Hon'ble High Court of Delhi or in any other Court in the present case FIR.

3. It is submitted by Ld. Counsel for applicant/accused that the present applicant/accused was granted regular bail in this case and he could not appear before this court on 18.04.2023 and thereafter, the Ld. Predecessor of this court had issued process u/s 82 Cr.PC against him. The applicant/accused was declared as a proclaimed offender on 25.07.2023. Thereafter, he was arrested by the PO staff on 03.10.2023.

4. It is submitted by Id. Counsel for the applicant/accused that in the present case, the FIR was registered in the year 2011 and the case was committed before this court in the year 2015. There are 16 prosecution witnesses in total and out of which 15 witnesses have already been examined and discharged. Only the

testimony of the main IO is yet to be recorded. Therefore, there cannot be any apprehension as to the applicant/accused influencing any prosecution witness. It is submitted by Ld. Counsel for applicant/accused that he is the sole earning member of the family and he is ready to abide with any condition that this court may impose upon him if the bail is granted.

5. Per contra, It is submitted by the Ld. APP for the State that the present applicant/accused had absented himself on as many as 13 separate occasions and this court had to issued NBWs and process u/s 82 Cr.PC against him. The applicant/accused was declared a proclaimed offender vide order dated 25.07.2023. Therefore, if he is released on bail at this stage, he may abscond again and flee from the hands of justice. Therefore, the State is strongly opposing the present bail application.

6. After considering the rival contention of the parties, I am of the view that considering the gravity of the offences and seriousness of the allegations leveled against the present applicant/accused, and considering the fact that last two bail applications filed by the applicant/accused were dismissed on merits vide orders dated 13.08.2024 and 07.09.2024. There is no material change in circumstances since the dismissals of the last bail applications. The conduct of the applicant/accused, wherein, this Court had to issue NBWs against him on 17.12.2014, 11.02.2016, 22.12.2016, 24.02.2018, 13.04.2018, 10.01.2019 and 02.12.2021 and thereafter, process u/s 82 Cr.PC was also issued against him on 21.05.2018, 15.03.2022, 26.11.2022, 07.12.2022, 19.12.2022, 31.01.2023 and lastly on 18.04.2023. Thereafter, the

applicant/accused was declared as a proclaimed offender by this court vide order dated 25.07.2023. Therefore, considering his prior conduct, I am not inclined to grant him regular bail as he had repeatedly throughout the trial flouted the warnings issued to him by this court at the time of cancellation of his NBWs on earlier occasions and he is already a proclaimed offender. Furthermore, the trial is at its fag-end, since only the IO is remaining to be examined. Therefore, there is no merit in the present application. Hence, the present bail application is hereby dismissed.

7. Needless to say nothing expressed herein shall have any bearing on the merits of the case.

8. Application is disposed off accordingly.

9. A copy of this order be given *dasti* to all concerned parties.

(ATUL AHLAWAT)
ASJ (FTC)/North-
East/KKD Courts/
Delhi/13.08.2024