

05.01.2023

Present: Sh. Ajit Kr. Srivastava, Ld. Addl. PP for the State.
Deputed IO in person.
Sh. M. P. Sinha, Ld. Counsel for applicant.

File is taken up on bail application of accused Rohit Nagar.

Ld. Counsel for applicant has argued that applicant is innocent and has been falsely implicated in the present case. The only evidence against him is a CCTV footage, but the footage would show that the applicant is not seen in the same. Let the prosecution first prove that the person seen in the CCTV footage is applicant Rohit Nagar, otherwise the applicant be granted bail.

The record shows that the CCTV footage was captured in the CCTVs maintained by one Kapil Kumar, S/o Dharamveer Singh who seems to have known the applicant and he had identified the applicant in the CCTV footage as pillion rider sitting at the last on the motorcycle seen in the CCTV footage. His 161 CrPC statement has already been recorded regarding the same. The witness shall be examined at appropriate stage of PE. Considering this, it cannot be said as of now that the applicant is not seen in the CCTV footage.

Further, the Ld. Counsel has argued that the deceased had voluntarily travelled with the applicant and the co-accused as seen in the CCTV footage. They had passed through a crowded place, but the victim seems to have raised no alarm. His body was found about more than three hours from the time of the CCTV footage. Therefore, there is no ground to infer that the applicant was involved in the murder of the deceased.

The Deputed IO has clarified that the deceased was beaten at 2-3 places by the accused persons prior to dumping his body

outside the gate of Moni Baba Mandir.

Under these circumstances, in my view, there is no ground for admitting applicant to bail at this stage.

Application is dismissed accordingly.

Copy of this order be given dasti.

(Savitri)
ASJ-02(NE)/ KKD/Delhi
05.01.2023