

Hearing through Video Conferencing by Cisco Webex Meeting App

Amit @ Sachin Vs. State

In re: -

FIR No. 37/2019

PS: Dayalpur

U/s: 302/120-B/34 IPC

23-11-2020

Present: Sh. Kapil Singhal, Ld. Counsel for the applicant.
Sh. Ashok Kumar, Ld. Addl. PP for the State with
Inspector Hukam Singh PS Dayalpur.

Reply to the bail application is received through mail.
Submissions on the application are heard.

The applicant is in custody in the present case and is seeking grant of interim bail for 15 days with the submissions that marriage of his sister is to be solemnised on 25/11/2020 and his presence is required to perform the rituals and ceremonies of before the marriage and after marriage. It is submitted that co-accused Arif and Charanjeet have already got interim bail in the matter. It is submitted that the name of the applicant is not disclosed in the FIR nor his facial description is mentioned therein and that he has been arrested on the disclosure statement of the co-accused which is having no evidentiary value. It is submitted that applicant is ready to abide all the terms and conditions imposed by the court and there is no chance of his absconding or tampering with the prosecution evidence.

On the other hand, bail application is opposed by the learned APP with the submissions that the applicant was following the victim and was providing his location to the co-accused by using mobile telephone which is in the name of his sister and its call detail is made part of the charge sheet. It is submitted that the case of the applicant is different to the co-accused who have been admitted on interim bail and that the applicant filed application for regular bail first but the same has been withdrawn. It is submitted that as per verification the applicant is having younger brother. It is submitted that although mother of the applicant told to the IO that younger brother is having no relations with them but she has not stated as to why his name is mentioned in the marriage card if there are no relation with him. It is submitted that the applicant is having many relatives inclusive of his parents who may make the arrangements for the marriage and the younger brother who may perform the rituals to be performed by a brother in the marriage of his sister.

Considering the facts and the submissions where applicant is having younger brother to perform the necessary rituals in the marriage and that no specific purpose is shown in the application which requires presence of the applicant in the marriage function, I am of view that no case is made out to admit the applicant on interim bail on the grounds pleaded. The application is dismissed. Copy of the order be sent to the parties.

(SUNIL CHAUDHARY)
Special Judge (NDPS)/ASJ
North East, Delhi 23-11-2020