

10.12.2024

Present: Sh. Vikash Kumar, Ld. Addl. PP for the State.
Id. Counsel for accused.

Arguments heard on the 3rd bail application filed on behalf of Mohit @ Shera. It is submitted that he is lying in J.C since 4 years and 4 months. Further victim Anurag had failed to identify him hence he may be granted bail.

I have heard the counsel and gone through the record.

In the present case, both the accused entered the shop of victim and robbed their money while putting pistol on their head. There was CCTV installed in the said shop which was seized where the face of applicant Mohit@ Shera is clearly visible. PW3 Kamlesh Kumar identified both the accused persons in this case. PW 5 Anurag who is son of kamlesh kumar had stated that he seen those persons and stated that these two accused are not the one's who committed crime.

After such statement of PW5, there is an observation by Ld. predecessors of this court that the face of Mohit @ Shera is clearly visible in the CCTV footage which Ld. Predecessor had herself seen in the court and observed that PW Anurag is deposing falsely in the court. On Court question, it was stated by him that many people from neighbourhood have approached him to get the accused out of the court. The FSL result qua CCTV footage is also postitive and in favour of prosecution.

Considering the evidence on record against applicant Mohit@ shera, I am constrained to say that there is every likelihood of his conviction

in this case (though it is always avoidable to state so but it has to be stated without which it is difficult to consider this rejection of bail in this particular case). Further what is all the more noteworthy is the manner of commission of crime. Entering a medical shop with a pistol and robbing money from a busy area itself shows that accused is extremely daring and had no fear of law and order in general. Further this incident happened in July 2020. Such type of incident are on rise in general in North-East Delhi especially.

Section 397 IPC entails a minimum punishment of 7 years and Section 392 provides for rigorous imprisonment which may extend to 10 years.

Considering the minimum punishment prescribed, the evidence against the accused and the manner of commission of crime, this court is not inclined to grant him bail and bail application is accordingly dismissed.

(Twinkle Wadhwa)
ASJ-02(NE)/ KKD/Delhi
10.12.2024