

SC 17/2020
STATE Vs. LAKHAN ETC. (2)
FIR No. 301 /2019
PS Adarsh Nagar
U/s. 302/201 IPC

30.05.2024

File taken up today on an application U/s. 439 Cr. P. C for regular bail moved on behalf of applicant/accused **Lakhan**.

Present: Sh. Kumar Sanjay, Ld. Addl. PP for the State.
Sh. Sohan Singh, Ld. Counsel for applicant/accused.
IO/Inspector M. P. Saini in person.

Ld. counsel for applicant/accused submitted that applicant/accused is in JC since 09.09.2019 and he has been falsely implicated in the present case. It is further submitted that till date IO has not filed any evidence or not brought any record which could prove that the victim was murdered by applicant/accused. It is further submitted that the entire case of prosecution is based on suspicious as there is no direct evidence of deceased is killed by any person, especially the accused persons. It is further submitted that present case is at the stage of evidence and only witnesses has been examined out of 30 witnesses. It is further submitted that trial will take a time and no fruitful purpose would be served to keep the applicant/accused behind the bar. It is prayed that the above said application may kindly be allowed.

On the other hand, Ld. Additional PP for State strongly opposed the bail application and submitted that allegations against the applicant/accused are serious in nature. It is prayed that the above said application may kindly be dismissed.

This court has given thoughtful consideration to the

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submissions made by Ld. counsel for applicant/accused and Ld. Additional PP for State and has also perused the record placed before the same.

Perusal of the record shows that vide order dated 06.07.2022 charge for the offences punishable U/s. 302/201/34 IPC has been framed against applicant/accused. Applicant/accused is in JC since 09.09.2019 i.e. more than 4.5 years. Further, present case is at the stage of recording of prosecution evidence and around eight witnesses (including material witnesses) have been examined till date. Further, in the present case prosecution is based on circumstantial evidence only and there is no eye witness of the alleged offence. No doubt the trial shall take time, therefore, it is ordered that applicant/accused **Lakhan** be released on bail on his furnishing personal bond in the sum of Rs. 30,000/- with two sureties in the like amount.

- (i) Applicant/accused is directed not to threaten prosecution witnesses in any manner or tamper with evidence or indulge in any other criminal activity in future;
- (ii) The applicant shall share his phone live location as and when required by the IO;
- (iii) The applicant shall appear before the court on each and every date of hearing;

In case, it is prima facie brought to the notice of the Court that the applicant/accused is violating the said conditions, the bail granted to him shall be liable to be cancelled on an application of investigating

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agency in this regard.

The bail application is disposed of accordingly. Nothing stated herein shall tantamount to any expression of opinion on the merits of the case. Application stands disposed of. Bail application file be tagged with the main file.

**(Sushil Kumar)
Addl. Sessions Judge- 04
North District Rohini Courts Delhi
30.05.2024**