

IA No. 04/2024 in SC No. 92/2021
State Vs. Sahil @ Nasir Ali
FIR No. 451/2020
PS Shahbad Dairy
U/S 302 IPC

06.08.2024

This is an application under Section 483 BNSS for grant of bail moved on behalf of applicant/accused Sahil @ Nasir Ali.

Present : Sh. Nishant Kumar, Ld Addl P.P for the state.

Reply to the bail application has already been filed.

Arguments have already been heard from Ld. Addl. PP for the State and from Mr.Sidhanth Mor, ld. Counsel for applicant/accused.

Various grounds for seeking bail have been mentioned in the application, which have been duly considered, however, the same are not being reproduced herein for the sake of brevity.

1. Brief facts of the case are that on 06.09.2020 vide DD No. 102 received at PS Shahbad Dairy, an information was given that one person has been stabbed with a knife and the call was marked to ASI Rakesh Kumar, who reached at the spot i.e. Jhuggi No. B-62, Multani Camp, Phase IV, Sector 26 Rohini, Shahbad Dairy, where he was informed that the injured namely Sanjay Sharma has been already been shifted to BJRM Hospital vide MLC No. 5220/20. The said Sanjay Sharma was declared brought dead. On further investigation, it transpires that the accused who is the neighbour of the deceased had earlier abused the complainant's wife and her brother 2-3 times on the issue of filling of water from water tanker. That on the date of incident, the said neighbour Sahil again started abusing the complainant Manoj, his wife and her brother Sanjay

upon which an altercation took place and the accused took out a knife type pointed weapon and stabbed Sanjay on his neck and thereafter fled away from the spot. As per the PM Report conducted on 07.09.2020, the cause of death was opined to be *hemorrhagic shock consequent to multiple stab injuries to the body and injury no.2 was opined to be sufficient to cause death in the ordinary course of nature.*

2. It was argued by Ld. Counsel for applicant/accused that the applicant/accused is an innocent person and he has been falsely implicated in the present case. It was further submitted that applicant/accused is in JC since 07.09.2020. It was further argued that no recovery is to be effected from applicant/accused and the recovery of the alleged weapon is planted and there is no direct evidence found against the applicant/accused. That are material contradictions in the testimony of PW2, PW4 and PW5. That there is no previous involvement of the applicant/accused. That trial will take its own time and it is prayed that accused be enlarged on bail as no fruitful purpose would be served now in keeping him behind custody. Prayer is made for grant of bail.

3. On the other hand, Ld. Addl. PP for the State has vehemently opposed the bail application and argued that allegations against the applicant / accused are serious in nature and prayer is made for dismissal of the bail application.

4. I have heard Ld. Counsels for the parties and perused the record carefully.

5. On 06.09.2020 vide DD No. 102 received at PS Shahbad Dairy, an

information was given that one person has been stabbed with a knife and the call was marked to ASI Rakesh Kumar, who reached at the spot i.e. Jhuggi No. B-62, Multani Camp, Phase IV, Sector 26 Rohini, Shahbad Dairy, where he was informed that the injured namely Sanjay Sharma has been already been shifted to BJRM Hospital vide MLC No. 5220/20. The said Sanjay Sharma was declared brought dead. On further investigation, it transpires that the accused who is the neighbour of the deceased had earlier abused the complainant's wife and her brother 2-3 times on the issue of filling of water from water tanker. That on the date of incident, the said neighbour Sahil again started abusing the complainant Manoj, his wife and her brother Sanjay upon which an altercation took place and the accused took out a knife type pointed weapon and stabbed Sanjay on his neck and thereafter fled away from the spot. As per the PM Report conducted on 07.09.2020, the cause of death was opined to be *hemorrhagic shock consequent to multiple stab injuries to the body and injury no.2 was opined to be sufficient to cause death in the ordinary course of nature.*

The accused has been categorically named in the FIR and identified by the complainant and in the testimony of all the material witnesses, the presence of the accused on the spot is established. The contradictions if any, in the testimony of material witnesses shall be evaluated at the final stage of the trial, however, all the witnesses have alleged that it is the applicant/accused Sahil who gave the fatal blows to the deceased with a sharp edged weapon. The earlier bail application of the applicant/accused has already been dismissed by this Court.

6. Considering the nature and gravity of the offence and totality of facts and circumstances, no case is made out for grant of bail at this stage.

Accordingly, the bail application of applicant/accused Sahil @ Nasir Ali stands dismissed.

Application stands disposed off.

7. *It is clarified that nothing stated herein shall tantamount to an expression of opinion on the merits of the case.*

8. Copy of the order be given *dasti* to the Ld. Counsel for the applicant/accused as well as be sent to concerned IO, concerned Jail Superintendent, Ld. Secretary, DLSA (North), through all possible modes, as per rules.

(Shefali Sharma)
Addl. Sessions Judge-02(North)
Rohini Courts Delhi
06.08.2024