

IA/6/2024 SC No. 90/2020  
State Vs. Krishna & Ors.  
FIR No. 757/2019  
PS S.P. Badli  
u/s 302/34 IPC

14.08.2024

**This is an application under Section 439 Cr.P.C./483 BNSS for grant of regular bail moved on behalf of applicant/accused Vijay S/o Sh. Ajay.**

Present : Ms. Promila Singh, Ld. Addl. PP for the State.

Mr. Ravinder Gaur, Ld. Counsel for applicant/accused.

Reply to the bail application already filed. Copy supplied.

1. Brief facts of the case are that the present case had been registered under Section 302/34 IPC on 28.10.2019 on receipt of an information vide DD No. 74A from BSA Hospital in PS SP Badli, regarding admission of Vikram S/o Devender, aged 26 years R/o Shukra Bazar Road, Raja Vihar, Badli, by his brother Bittoo as brought dead. The information was entrusted to SI Pawan for necessary action. He alongwith ASI Kanwar Pal reached at BSA Hospital, Rohini and found Vikram S/o Devender brought dead on MLC No. 15415/19 in casualty. On the spot, SI recorded the statement of Sh. Bittoo S/o Sh. Devender Chaudhary aged 22 years R/o B-234, Raja Vihar, Delhi that on 28.10.2019 at 10.28 pm he was present at his house. His friend Virender told him that some boys are quarreling with his brother. One Chhotu called him on his mobile phone and told that they were beating his brother. On this, he reached at Shukra Bazar

road and saw Praveen, Pankaj, Gaurav and Kuldeep were beating his brother Vikram. They ran away after seeing him. He found that the blood was oozing from his brother's mouth and head. Then, he shifted his brother in BSA hospital with the help of his friend Bhupender where doctor declared him dead.

2. It is submitted 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 is further submitted that investigation is complete and chargesheet has already been filed. That accused is running in JC since 09.06.2024. It is prayed that a lenient view be taken.

3. On the other hand, Ld. Addl. PP for the State vehemently opposed the bail application and argued that allegations against the applicant are serious in nature and if applicant is released on bail, he may jump the bail and prayer is made for dismissal of the bail application.

4. I have heard the Ld. Counsel for applicant and Ld. Addl. PP for the State and perused the record carefully.

5. Brief facts of the case are that the present case had been registered under Section 302/34 IPC on 28.10.2019 on receipt of an information vide DD No. 74A from BSA Hospital in PS SP Badli, regarding admission of Vikram S/o Devender, aged 26 years R/o Shukra Bazar Road, Raja Vihar, Badli, by his brother Bittoo as brought dead. The information was entrusted to SI Pawan for necessary action. He alongwith ASI Kanwar Pal reached at BSA Hospital, Rohini and found Vikram S/o Devender brought dead on MLC No. 15415/19 in casualty. On the spot, SI recorded the statement of Sh. Bittoo S/o Sh. Devender

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6. **As per PM report**, the death is due to combined effect of cranio-cerebral damage and hemorrhagic shock consequent upon multiple injuries over head. All injuries are homicidal in manner and ante-mortem in nature.

7. During course of further investigation on 02.11.2019, the accused persons were arrested/apprehended in above said case and disclosed to be involved in this crime and disclosed further that they killed the deceased with Fatta (wooden frame used in construction work of buildings) and knife. **The weapon of offence i.e. knife and fatta etc. were recovered on their instances and seized through seizure memos.**

8. Matter is still at the initial stages and there are serious allegations against the applicant/accused. He must be specifically named as one of the assaulters by the complainant/brother of the victim.

9. Seeing the totality of facts and circumstances and the gravity of the offence, no ground for bail is made out. The present application stands disposed off being **dismissed**.

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

11. Copy of the order be given *dasti* to the Ld. Counsel for the applicant/accused.

(Shefali Sharma)  
Addl. Sessions Judge-02(North)  
Rohini Courts Delhi/14.08.2024