

No. 1A/3/20 in SC No. 90/20
FIR No. 757/19
P.S.- S.P. Badli
u/S 302/34 IPC

State Vs. Krishan @ Praveen

12.11.2020

Due to spreading of Corona Virus (COVID-19), special measures taken by the government to prevent it by ordering a nationwide lockdown, the hearing of the present bail application has been conducted through video conferencing using Cisco Webex Meeting App after taking consent of both the parties.

Present : Sh. Harvinder Nar, Ld Addl P.P for the state.

Ms. Rupa Kumari, Ld. Counsel for the applicant/accused.

IO SI Pawan.

This is an application for interim bail on the ground of marriage of brother of **applicant/accused Kuldeep**.

Reply filed.

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 by Ld. Counsel for the applicant/accused that presence of applicant/accused is required to perform certain ceremonies in the marriage of his brother and prayer is made for grant of interim bail for 20 days.

On the other hand, Ld. Addl. PP for the State vehemently opposed the bail application and argued that on 28.10.2019, applicant/accused alongwith the other co-accused persons committed the murder of Vikram. It is further stated that statement of complainant Bittoo was recorded who stated that the deceased was sitting with his friends namely Praveen, Pankaj, Gaurav and applicant/accused Kuldeep but his friends were arguing with him. Later on, complainant came to know that some persons were beating his deceased brother and he reached at the spot and saw that applicant/accused and other accused persons were physically assaulting his brother and after seeing him, they ran away from the

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spot. The complainant saw that his brother was bleeding badly and he was taken to hospital but doctors declared him brought dead. It is further submitted by Ld. Addl. PP for the State that material witnesses including eye witness Bittoo have not been examined and if applicant/accused is released on interim bail, he may threaten the material witnesses and he may also jump the bail and prayer is made for dismissal of interim bail.

Allegations against the applicant/accused are serious in nature and material witnesses are yet to be examined and if applicant/accused is released on bail, he may threaten the witnesses.

Keeping in view the facts and circumstances of the case, prayer for **interim bail is declined but custody parole is allowed.**

In these facts and circumstances, in the interest of justice, custody parole **from 10:00 am to 5:00 pm (excluding the time of travel)** is granted to the above accused **for 22.11.2020**. The applicant/accused be taken only at **Village Jolhapur (Baraipur), Post Jolhapur (Kandhrapur), District Azamgarh, UP** under appropriate armed escort for going the said place and be again sent back to the jail, where he is presently lodged after expiry of the said period of the custody parole and the compliance report be sent by the Superintendent Jail concerned within three days.

Copy of this order be sent to the concerned Superintendent Jail for compliance.

Application stands disposed off.

(Rakesh Kumar-III)
Addl. Sessions Judge-02(North)
Rohini Courts Delhi
12.11.2020