

CNR No. DLNT01-001558-2022
SC No. 123/22
FIR No. 468/21
PS Prashant Vihar
U/s 307/34 IPC & 25/27/54/59 Arms Act
State v. Rahul Thakur @ Haddi & Ors.

05.04.2022

File is taken up today

Present: Sh. Sanjay Jindal, Ld. Addl. PP for State.

Sh. Krishna M. Singh, Ld. Counsel for
applicant/accused Shiva @ Sooraj Tiwari.

Reply to the bail application filed by the IO.

While seeking bail of the applicant, it is submitted that the accused Shiva @ Sooraj Tiwari has no active participation in the alleged offence. He, as per the allegations, was driving the motorcycle on which two of the other accused came at the Ambiance Mall, Sector-10, Rohini, Delhi, on the fateful day i.e. on 20.07.2021 at 5.45 AM and accosted the victim. The co-accused were the persons who, as per the allegations, had fired upon the victim and beaten him in order to take revenge of one 'Mukhia Bhai'. In such circumstances, it is submitted that when the prime accused, who fired the gunshot, has been granted bail through the order dated 16.03.2022, the applicant, not only on the ground of parity but being better placed compared to the prime accused Rahul Thakur @ Haddi, needs to be considered for bail.

Ld. Addl. PP for the State, on the other hand, while contesting the application has submitted that the accused persons were acting on tandem with each other and all of them are equally responsible. The assault on the victim was very serious

where gunshots were fired upon the victim, which hit the victim on his back, therefore, the applicant who was instrumental in bringing the co-accused at the spot to facilitate the assault, does not deserve to be considered for bail.

Having considered the submissions made by the parties, especially the fact that the applicant is 22 years young school dropout having poor family background and has spent about nine months in custody having no criminal antecedents, therefore, when the prime accused has been considered and granted bail, there appears no reason why the same benefit should not be extended to him in view of the fact that he was not actively involved in assaulting the victim as he neither fired any gunshot or hit the victim.

In view of the above facts and circumstances, applicant/accused Shiva @ Sooraj Tiwari is admitted to bail on his furnishing personal bond in the sum of Rs.25,000/- with one surety in the like amount, on the following conditions:

i) That the applicant/accused will supply his mobile number(s) to the IO of the case, which should be always working and he shall share his phone live location as and when required by the IO.

ii) That the applicant/accused will not threaten or influence the prosecution witnesses or tamper with evidence.

iii) That the applicant/accused shall follow the guidelines of Government of India and State Government qua COVID 19.

iv) That the applicant/accused will not indulge in any anti-social activity.

v) That the applicant/accused will not leave the station without prior permission of the court.

vi) That in case, it is prima facie brought to the notice of the Court that the applicant/accused is violating the

abovesaid conditions, the bail granted to him shall be liable to be cancelled.

Copy of this order be sent to the concerned Jail Superintendent. The bail application of applicant/accused Shiva @ Sooraj Tiwari is accordingly disposed of.

(Vimal Kumar Yadav)
Principal District & Sessions Judge (North)
Rohini Courts, Delhi (sb)