

**IN THE COURT OF SH. VIMAL KUMAR YADAV
PRINCIPAL DISTRICT & SESSIONS JUDGE
NORTH DISTRICT: ROHINI COURTS: DELHI**

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.

11.04.2022

Appearance:

Sh. Sanjay Jindal, Ld. Addl. PP for State.
Sh. Deepak Lamba, Ld. Counsel for applicant/accused Paras @
Brijesh Jha.

ORDER:

Vide this order, I will decide bail application moved u/s.439 Cr.P.C. on behalf of applicant/accused Paras @ Brijesh Jha. Arguments on the application have been heard.

2. IO has filed reply to the bail application. IO has also filed previous conviction/involvement report in respect of the applicant/accused. I have perused the same.

3. Brief fact of the case are that the present case was registered on the statement of complainant Gaurav wherein he alleged that on 20.07.2021 at about 5.45 AM he had reached his office at Ambiance Mall, Sector-10, Rohini, Delhi and in the parking he had parked his motorcycle and proceeded towards main gate of Big Bazar. In the meanwhile, one motorcycle reached near to him, which was being driven by one Shiva. Haddi and another person came to him. All the three persons

stopped the complainant just before the gate of the mall and started beating him. They also inflicted injuries to the complainant with countrymade pistols which they had carried with them.

4. Ld. Counsel for the applicant/accused has argued that the applicant has been falsely implicated by the police in the present case. It is further argued that the applicant is innocent and has no previous involvement. It is further argued that nothing has been recovered from the possession of the applicant/accused or at his instance and that the alleged recovery, if any, has been planted one. It is further argued that the applicant was arrested on 21.07.2021 and since then he is in JC. It is further argued that the investigation is already complete and the applicant is no more required for any custodial investigation in the present case. It is further argued that the main accused Rahul @ Haddi has already been granted bail vide order dated 16.03.2022.

5. Ld. Chief PP for the State has vehemently opposed the application under reference and has argued that the nature of offence is heinous. It is also argued that if the bail is granted to him, the applicant/accused may influence the witnesses and may commit further crime.

6. After hearing arguments and going through the record, I am of the opinion that a perusal of the record shows that the applicant/accused has already spent more than eight months in JC in the present case. The main accused Rahul @ Haddi is already

on bail in the present case. The trial will take time and the applicant/accused cannot be kept behind bar indefinitely. Moreover, it is established law that bail, not jail is the Rule.

7. In view of above facts and circumstances, I am inclined to grant bail to applicant/accused Paras @ Brijesh Jha. Accordingly, applicant/accused Paras @ Brijesh Jha 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.

8. Copy of this order be sent to the concerned Jail Superintendent. The bail application of applicant/accused Paras @ Brijesh Jha is accordingly disposed of.

Announced in the open court
today i.e. 11th April, 2022

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