

IA No. 11/23 in SC 186/2022
STATE Vs. Deepak @ Dara
FIR NO. 602/2021
PS BHALSWA DIARY
U/S 395/397/34 IPC

05.06.2023

This is an application under Section 439 Cr.P.C. for grant of bail moved on behalf of applicant/accused Deepak @ Dara.

Present:- Mr. Harvinder Nar, Ld. Addl. PP for the State.

Reply to the bail application has already been filed.

Arguments have already been heard.

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Arguments on the bail application already heard.

1. Brief facts of the case are that the present case was registered U/s 395/397/412/34 IPC & 25/54/59 Arms Act on the statement of Ram Charitra, who stated that he is a driver of Tata 407 and works in a scrape warehouse at plot no.7, Gali no.2, Som Bazar Road, Mukundpur Road, Part – II, Delhi. That on 16.08.2021 at about 3.00 a.m. when he was going to Narela for carry goods along with his associate Ramayan in his Tata 407 and reached near Sakar Builder Gali No.2/11, Mukund Pur, some boys given him indication to stop the truck. That the said three boys entered in his truck and beaten him. That they shown pistol to him and robbed the cash of Rs.52,000/-. That on the same day, accused persons committed another dacoity with two another persons, who were going to Subzi Mandi on e-rickshaw and robbed a cash of Rs.19,000/-, a mobile phone from him and

another FIR bearing no. 604/2021 under Section 395 IPC was registered.

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 has been completed, trial is pending before this court. That accused is running in JC since 17.08.2021. 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 threaten the witnesses and he may also jump the bail and prayer is made for dismissal of the bail application.

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

5. Matter is still at the initial stages and the complainant and other material witnesses are yet to be examined. No ground for parity is made out viz-a-viz, other co-accused Sonu Kumar and Arjun Batla as the allegations against the present applicant are of serious nature of robbing and using a country made pistol and live cartridges and cash of Rs. 11,000/- had been recovered from him. On the very same day, the applicant played an active role in another case of robbery and an FIR bearing no. 604/2021 under Section 395 IPC was registered which is submitted on

behalf of the IO. There is no change in circumstances since the dismissal of the earlier bail application.

6. Seeing the totality of facts and circumstances and the gravity of the offence and previous criminal antecedents of the accused, no ground for grant of bail is made out at this stage. The present application stands disposed off being **dismissed**.

Accordingly, the application is 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. 05.06.2023