

IA No. 12/23 in SC 186/2022  
STATE Vs. Deepak @ Dara  
FIR NO. 602/2021  
PS BHALSWA DIARY  
U/S 395/397/34 IPC

**16.06.2023**

**This is an application under Section 439 Cr.P.C for grant of bail moved on behalf of the applicant/accused Deepak @ Dara, placed before me being Vacation Judge in terms of Order No. 17571-17619/F2(9)/Judl./Vac/North/2023 dated 29.05.2023 of the Ld. Principal District & Sessions Judge (North), Rohini Courts, Delhi.**

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

Mr. Sunil Tomar, ld. Counsel for applicant/accused.

IO SI Mohit Batan in person.

Reply to the bail application filed. Copy supplied.

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 further submitted by ld. Counsel that there is new circumstance which could not be brought to the knowledge of this court earlier regarding the other connected FIR bearing no. 604/2021. It is further submitted that accused had not played an active role in another connected case and infact has already been enlarged on regular bail by the concerned Ld. ASJ (North) vide orders dated 15.02.2023 in the said connected FIR. 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. Other co-accused persons have already been enlarged on bail in the instant case and no further recovery is to be effected from applicant/ accused and in the light of the fact that accused is involved in only one another case bearing FIR No. 604/2021 and has already been enlarged on regular bail in the said case.

6. Seeing the totality of the facts and circumstances of the case, taking a lenient view, applicant/accused **Deepak @ Dara is hereby enlarged on bail on furnishing of bail bond for a sum of Rs.25,000/- with one surety of the like amount, who is permanent residents of Delhi/NCR, to the satisfaction of concerned Ld. MM/Link MM/Duty MM** but subject to the following conditions:

- (a) The applicant/accused shall attend the court proceedings regularly.
- (b) That in case of change of his residential addresses, he shall intimate the Court about the same.
- (c) The accused shall not leave the country without prior permission of the Court.
- (d) The accused shall not indulge into similar offence in the event of release on bail.
- (e) The applicant/accused shall not try to contact or influence the witnesses, in any manner, directly or indirectly.
- (f) The accused shall provide his mobile phone(s) and keep it operational at all times.

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.***

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8. Copy of the order be given *dasti* to the Ld. Counsel for the applicant/accused as well as be sent to concerned IO, Ld. Secretary, DLSA (North), through all possible modes, as per rules.

**(Shefali Sharma)**  
**Vacation Judge/ASJ-02(North)**  
**Rohini Courts Delhi/16.06.2023**