

IA. No. 04/24 in SC No. 142/2023
STATE Vs. Parmod Kumar @ Krishna
FIR No. 540/2022
P.S. Prashant Vihar
U/s 394/395/397/411 IPC &
25/54/59 Arms Act

05.03.2024

This is an application under Section 439 Cr.P.C. for grant of regular bail moved on behalf of applicant/accused Parmod Kumar @ Krishna.

Present:- Mr. Gyanender Mishra, Ld. Substitute Additional PP for the State.

Reply to the bail application has already been filed.

Arguments have already been heard from Ld. Addl. PP for the State and from Mr. Prince Sharma, ld. Counsel for applicant/accused.

Various grounds for seeking bail have been mentioned in the application, which have been duly considered, however, the same are not being reproduced herein for the sake of brevity.

1. Briefly stated, the present FIR had been registered under Section 394/395/397/411 IPC & 25/54/59 Arms Act on the complaint of complainant Sudhir Kumar, who stated that on 30.09.2022 at about 1.00 A.M. while he was sitting in his cab waiting for a customer, suddenly two bikes carrying five people stopped near him and three of them approached him, one of them asked for water and when he was giving water bottle to the first persons, second person stood behind him suddenly hit him on his head with his steel kada and dragged him out of the car and the third person, forcibly stashed his mobile and took out

Rs.1500/- from pocket. That when complainant raised alarm, he was stabbed with knife.

2. It is argued by Ld. Counsel for the applicant/accused that accused has been falsely implicated in the present case. That the investigation is complete and chargesheet has already been filed. That accused is running in JC since 14.10.2022. That accused is ready to abide by all the terms and conditions. It is further submitted that co-accused Tauhid has already been enlarged on bail and prayer is made for grant of bail to the applicant/accused. It is prayed that a lenient view be taken.

3. Ld. Additional PP for the State vehemently opposed the bail application submitting that the allegations levelled against the applicant/accused are very serious in nature.

4. Heard. Record perused.

5. The present FIR had been registered under Section 394/395/397/411 IPC & 25/54/59 Arms Act on the complaint of complainant Sudhir Kumar, who stated that on 30.09.2022 at about 1.00 A.M. while he was sitting in his cab waiting for a customer, suddenly two bikes carrying five people stopped near him and three of them approached him, one of them asked for water and when he was giving water bottle to the first persons, second person stood behind him suddenly hit him on his head with his steel kada and dragged him out of

the car and the third person, forcibly snatched his mobile and took out Rs.1500/- from pocket. That when complainant raised alarm, he was stabbed with knife.

No ground of parity is made out as allegations of using the deadly weapon are against the applicant/accused. It was argued by Id. Counsel for applicant/accused that there is contradictory statements of the witnesses regarding use of knife for stabbing and the *kara* in causing injury on the head, however, the same shall be a matter of trial. It is pertinent to mention that the weapon of offence was also recovered from the possession of the applicant/accused. Two co-accused persons are still absconding. It is further reported by the IO that there is no permanent address of the applicant/accused and he deliberately involved a CCL to commit the crime.

Even otherwise allegations against the applicant/ accused are serious in nature and if applicant is released on bail, there is possibility that he may jump the bail, threaten the material witnesses and also involved in similar offence.

Earlier bail applications of applicant/accused have been dismissed by this Court vide orders dated 27.10.2023 and 07.12.2023.

6. Therefore, considering the nature and gravity of offence, role attributed to the applicant as reported by the IO and overall facts and circumstances, no ground for bail is made out qua him at this stage. Accordingly, the bail application of accused Parmod Kumar @ Krishna for grant of bail stands **dismissed**.

Application stands 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
05.03.2024