



CNR No. DLCT01-002205-2023

SC No. 88/2023

IA No. 03/2024

State Vs. Deepak @ Deepu

FIR No. 648/2022

PS DBG Road

U/s. 307 IPC

BAIL APPLICATION OF APPLICANT DEEPAK @ DEEPU
SON OF SH. HARI

17th August, 2024

Present: Sh. A.B. Asthana, Ld. Addl. PP for State.
Sh. Kamlesh Kumar, Id. LAC for
applicant/accused Deepak @ Deepu.

1. Reply filed. Copy supplied.
2. This is an application filed on behalf of the applicant/accused Deepak @ Deepu (hereinafter referred to as applicant) for grant of anticipatory bail.
3. It is argued that the the applicant is in J.C. since 19.10.2022. It is further argued that the applicant has been falsely implicated in the present case as the family members of the victim had grudge against the family of the applicant. It is further argued that father of the victim had assaulted the father of the applicant who is a notorious criminal who is presently facing trial for heinous offences and he is in J.C. It is further argued that the investigation has been completed and charge-sheet has been filed. It is further argued that the alleged recovery of the knife has been planted upon the applicant by the IO of the case to falsely implicated the applicant. It is further argued that

the applicant is the eldest son in his family and he has responsibility to look after his parents as well as young siblings. It is further argued that the mother of the applicant is suffering from Asthama, recurrent fever, chest pain and old age diseases. It is prayed that the applicant be released on bail.

4. Application has been opposed by the Id. Addl. PP for State on the ground that the allegations against the applicant are heinous in nature. It is further submitted that in the CCTV footage, the applicant is seen attacking the victim Sunil with the knife. It is further submitted that the applicant is the neighbour of the victim and he may threaten the witnesses and tamper with the evidence, if released on bail. It is further submitted that the case property i.e. blood stained knife has been recovered on the instance of the applicant. It is further submitted that the trial is at the initial stage and the applicant can threaten and tamper with the evidence, if released on bail. It is further submitted that the applicant is found involved in several other criminal cases. It is prayed that the bail application of the applicant be dismissed.
5. Arguments heard.
6. The brief facts of the case are that the present FIR was registered on the statement Smt. Bimla Devi that on 18.10.2022 in the afternoon, her son Deepak and her neighbour Hari Bawaria had quarrel with each other and both of them left from the spot stating that they will go to

police. At around 4.30 p.m., the accused Deepak @ Deepu who is son of Hari Bawaria came in the gali in inebriated condition and started abusing. On hearing the sound, son of complainant namely Sunil came in the gali upon whom the accused inflicted knife blows and attempted to cause his death. After causing injuries, the applicant fled away from the spot.

7. Injured was taken to RML Hospital where he was medically examined vide MLC dated 18.10.2022 at 6.13 p.m. which records the following injuries upon the injured :

- 1. Incised wound (R) Ear Pinna (2x1x0.5 cm)*
- 2. Abrasion (L) Eyebrow 1x1 cm*
- 3. Incised wound (R) Lumb on region 2x0.5x0.5cm*
- 4. Incised wound (L) Arm 3x10 cm x 0.5 cm*
- 5. Incised wound (L) forearm 3x1.5x1 cm*
- 6. Incised wound (L) over (L) side of chest- 1x0.5x0.5 cm and 0.5x0.3x0.5 cm*

8. During investigation, the applicant was arrested and weapon of offence i.e. blood stained knife was recovered at the instance of the applicant upon which the FSL result is still pending.
9. The charge-sheet reveals that the CCTV footage of the incident was also gathered in which at 4.31 p.m., the applicant can be seen attacking the victim Sunil with knife.
10. The applicant is specifically named in the FIR. The FSL result is yet to be obtained. The role of the applicant is

clear in the commission of the present offence. The weapon of offence has also been recovered from the applicant.

11. The earlier bail application of the applicant was dismissed on 08.05.2023 vide detailed order. PW-1 Bimla Devi has been examined who has supported the case of the prosecution. The other public witnesses including the injured are yet to be examined. The allegations against the applicant are grave and serious. The applicant is also found involved in a number of other criminal cases.
12. Considering the overall facts and circumstances of the present case, this Court is not inclined to grant bail to the applicant.
13. Application filed by the applicant for grant of regular bail is hereby dismissed.
14. Copy of this order be given dasti to the Id. Counsel for the applicant.
15. A hard as well as soft copy of this order be also sent to the concerned Jail Superintendent for information and necessary action.
16. The application is disposed of in above terms.

(SUSHIL ANUJ TYAGI)
ASJ-04/Central/Delhi
17.08.2024^(VR)