

SC 256/2019
STATE Vs. HARSH @ DEEPAK @ JONI
FIR No. 485 /2018
PS Bawana
U/s. 307/120B/174A/34 IPC

06.09.2023

File taken up today on 5th application U/s. 439 Cr. P. C for grant of bail moved on behalf of applicant/accused **Manoj @ Toni @ Chotu.**

Present: Sh. Gyanendra Kumar Mishra, Ld. Addl. PP
for the State.
Sh. Akshay, Ld. counsel for applicant/accused.
IO in person.

Reply to the above said application has been filed by the IO. Same is taken on record.

Ld. counsel for applicant/accused submitted that applicant/accused is in JC since 30.08.2020 and he has been falsely implicated in the present case. It is further submitted that nothing incriminating has come on record against the applicant/accused and in the present case co-accused has already been granted bail. It is further submitted that applicant/accused is no more required in any kind of investigation and no fruitful purpose would be served to keep the applicant/accused behind the bar. It is prayed that the above said application may kindly be allowed.

On the other hand, Ld. Additional PP for State strongly opposed the above said application and submitted that allegations against the applicant/accused are serious in nature. It is further submitted that present case is at the stage of evidence and if bail is granted to applicant/accused there are chances he may threaten the witnesses. It is prayed that the above said application may kindly be dismissed.

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This court has given thoughtful consideration to the submissions made by Ld. counsel for applicant/accused and Ld. Additional PP for State and has also perused the record placed before the same.

Perusal of the record shows that charges for the offences punishable U/s.174A IPC, U/s. 27 of Arms Act & U/s. 307/12B/34 IPC & U/s. 120B read with Section 307 IPC have been framed against applicant/accused and the matter is at the stage of PE. Further, perusal of the record reveals that only one witness has been examined and remaining material witnesses are yet to be examined. Further, earlier applicant/accused was declared Proclaimed Offender and in the present case, at the time of incident he had fired upon the complainant. It is pertinent to mention that no change of circumstance has taken place since dismissal of earlier bail application on 24.04.2023. In view of above discussion, this court is not inclined to grant bail to applicant/accused **Manoj @ Toni @ Chotu. Bail application is accordingly, dismissed.** Copy of order be given dasti to the concerned parties. The present bail application file be tagged with the main file.

(Sushil Kumar)
Addl. Sessions Judge- 04
North District Rohini Courts Delhi
06.09.2023