

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

09.11.2023

File taken up today on 6th application U/s. 439 Cr. P. C for grant of bail moved on behalf of applicant/accused **Manoj @ Toni @ Chotu.**

Present: Sh. A. B. Asthana, Ld. Addl. PP for the State.
Sh. Akshay, Ld. counsel for applicant/accused.
IO/ASI Ram Kishan in person.

Reply to the above said application has been filed by 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 been recovered from the applicant/accused and nor anything was recovered at his instance. It is further submitted that the present case is at the stage of evidence and PW 1 Sh. Rakesh Kumar (partly examined in chief) and PW 2 Dushyant @ Monu, who is the complainant has already been examined in chief and they have not supported the case of the prosecution. It is further submitted that co-accused has already been granted bail 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 bail application and submitted that allegations against the applicant/accused are serious in nature. It is further submitted that vide

SC 256/2019
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orders dated 24.04.2023 and 06.09.2023 i.e. 4th and last bail application of the applicant/accused was dismissed by this Court. It is further submitted that if bail is granted to applicant/accused there are chances he may jump the bail. It is prayed that the above said application may kindly be dismissed.

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. 307IPC, U/s. 120B r/w section 307 IPC , U/s. 174A IPC & U/s. 27 Arms Act have been framed against applicant/accused and his co-accused persons. The matter is at the stage of PE. Applicant/accused is in JC since 30.08.2020 i.e. for a period of more than 3 years. Perusal of the file shows that only two prosecution witnesses have been partly examined in chief and their further examination in chief is deferred at the request of Ld. Additional PP for State for want of assistance of IO and they have not supported the case of the prosecution. Further, co-accused Ankit Mann has already been granted bail and no fruitful purpose would be served to keep the applicant/accused behind the bar, therefore, it is ordered that applicant/accused be released on bail on his furnishing personal bond in the sum of **Rs. 20,000/- with one surety in the like amount.**

(i) Applicant/accused is directed not to threaten prosecution witnesses

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

in any manner or tamper with evidence or indulge in any other criminal activity in future;

(ii) The applicant shall share his phone live location as and when required by the IO;

(iii) The applicant shall appear before the court on each and every date of hearing;

In case, it is prima facie brought to the notice of the Court that the applicant/accused is violating the said conditions, the bail granted to him shall be liable to be cancelled on an application of investigating agency in this regard.

The bail application is disposed of accordingly. Nothing stated herein shall tantamount to any expression of opinion on the merits of the case. Application stands disposed of. Bail application file be tagged with the main file.

(Sushil Kumar)
Addl. Sessions Judge- 04
North District Rohini Courts Delhi
09.11.2023