

SC 256/2019
STATE Vs. HARSH @ DEEPAK @ JONI
FIR No. 485 /2018
PS Bawana
U/s. 307/120B/174A/34
& U/s. 25/27 Arms Act

17.09.2024

File taken up today on an application U/s. 439 Cr. P. C for grant of bail moved on behalf of applicant/accused **Pradeep @ Bhagat**.

Present: Sh. Kumar Sanjay, Ld. Addl. PP for the State.
Sh. J.K. Kalson, Ld. Deputy Chief Legal Aid Defence
Counsel for applicant/accused.
IO/ASI Pramod Kumar in person.

Reply to the above said application has already been received.

Ld. Counsel for applicant/accused submits that applicant/accused is in JC since 01.08.2019 and he has been falsely implicated in the present case. It is further submitted that applicant/accused is innocent and he has not committed any offence as alleged against the applicant/accused. It is further submitted that nothing has been recovered from the accsued as alleged by the prosecution and the alleged recovery is false and planted one. It is further submitted that in the present case co-accused persons have already been granted bail. It is further submitted that no fruitful purpose would be served to keep the applicant/accused behind the bar. It is prayed that 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 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. 174A IPC, U/s. 307/34 IPC, U/s. 120B read with Section

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307 IPC & U/s. 5 Arms Act & U/s. 27 Arms Act have been framed against applicant/accused and his co-accused vide order dated 24.08.2022 and the matter is at the stage of PE. Applicant/accused is in JC since 01.08.2019 i.e. for a period of more than 5 years. Further, his co-accused person has already been granted bail, therefore, on the ground of parity with co-accused person, it is ordered that **applicant/accused Pradeep @ Bhagat 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 in any manner or tamper with evidence or indulge in any other criminal activity in future;
- (ii) 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
17.09.2024