

IA No. 19/2024 in SC 270/2019
STATE Vs. Ashru @ Azru @ Lallu
FIR NO. 14/2019
PS Alipur
U/s 307/506/34 IPC & 25/27 Arms Act

06.04.2024

This is an application under Section 439 Cr.P.C. for grant of bail moved on behalf of applicant/accused Ashru @ Azru @ Lallu.

Present:- Mr. Nishant Kumar, Ld. 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. J.K. 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 on the statement of the complainant aged around 36 years on the allegations that on 12.01.2019 at about 11.15 AM when he was present along with his owner Sunny Jain at his shop, two unknown boys came and thereafter they started firing gunshots upon the owner Sunny Jain and threatened him with dire consequences and ran away. That owner Sunny Jain was injured due to the gunshots. That during the course of investigation, CCTV footage was retrieved and two boys namely Abhay and his brother Gaurav were apprehended, who disclosed that they had assisted other three accused persons namely Ashru, Anuraj and Akash in

commission of the offence. That accused Abhay was also in contact with another accused Yogesh, who had earlier demanded a ransom of Rs.50 lakhs from owner Sunny Jain and in this regard another FIR bearing no. 02/2019, under Section 387/506/120B/34 at PS Alipur was registered. That the four accused persons namely Ashru @ Lalu (applicant herein), Akash, Ankit and Anuraj, had been arrested by the Special Staff under Arms Act at PS Budh Vihar, in which they disclosed their involvement in the present case.

2. It is argued by Ld. Counsel for the applicant/accused that accused is running in JC for a considerable time and has been falsely implicated in the present case. That co-accused Anuraj has already been enlarged on bail and trial shall take its course. 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 grave and serious in nature and the accused has played an active role in committing the crime.

4. Heard. Record perused. I have also perused the report filed by the IO.

5. The present FIR had been registered on the statement of the complainant aged around 36 years on the allegations that on 12.01.2019 at about 11.15 AM when he was present along with his

owner Sunny Jain at his shop, two unknown boys came and thereafter they started firing gunshots upon the owner Sunny Jain and threaten him with dire consequences and ran away. Owner Sunny Jain was injured due to the gunshots. During the course of investigation, CCTV footage was retrieved and two boys namely Abhay and his brother Gaurav were apprehended, who disclosed that they had assisted other three accused persons namely Ashru, Anuraj and Akash in commission of the offence. Accused Abhay was also in contact with another accused Yogesh, who had earlier demanded a ransom of Rs.50 lakhs from owner Sunny Jain and in this regard another FIR bearing no. 02/2019, under Section 387/506/120B/34 at PS Alipur was registered. The four accused persons namely Ashru @ Lalu (applicant herein), Akash, Ankit and Anuraj, had been arrested by the Special Staff under Arms Act at PS Budh Vihar, in which they disclosed their involvement in the present case.

During the course of arguments, it was pointed out by Id. Counsel for applicant/accused that accused is not involved in 10 cases as mentioned in previous involvement report but only involved in 03 such cases. Be that as it may, the allegation against the applicant/accused are of grave and serious nature in the present case. Applicant/accused in connivance with other co-accused persons has demanded a ransom of Rs.50 lakhs from the victim, for which a separate FIR No. 02/2019 has been registered and on refusal of paying the ransom, had carried out firing attack upon the victim, which lead to registration of the present FIR.

Matter is at the initial stages and there is probability that if released on bail, applicant/accused may threaten the complainant and

other material/public witnesses. The bail application of the applicant/accused had been dismissed by this court on 18.01.2024 and since then no change in circumstances which have been brought to the knowledge of this court.

6. Seeing the totality of the fact and circumstances and the gravity of the offence, no ground for grant of bail is made out at this stage. The bail application accordingly **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.06.04.2024