

CNR no. DLNT01-006512-2020

SC No. 264/2020

IA/1/20

FIR no. 304/2020

PS-Bawana

State Vs. Jamna Prashad & Ors.

U/s-307/34 IPC

20/03/2021

Present

Sh. Sanjay Jindal, Id. Substitute Addl. PP for the State.

Accused persons have not been produced from J.C.

Sh. Diwakar Chaudhary & Sh. Rakesh Kumar, Id. Counsels for A-1 and A-2.

Sh. Saurabh Chaudhary, Id. Proxy Counsel for main counsel Sh. Anil
Srivastava for A-3.

The case is fixed for arguments on charge as well as for consideration of second bail application u/s CrPC moved on behalf of applicant/accused Suresh @ Galli (A-2).

Reply to the bail application has been received.

It is submitted by Id. Counsel for the applicant/accused Suresh @ Galli that this applicant/accused is in judicial custody since 11/05/2020 in the present case, which has been falsely lodged by the complainant in connivance with the local police, implicating applicant/accused and his brother. He has further submitted that this applicant/accused has no role whatsoever in the alleged commission of offence. He has further submitted that factually complainant has taken Rs. 25,000/- from the brother of the applicant namely Jamna for purchasing I-phone with the promise to return the same after 15 days but despite reminding him, he did not pay the same and when the matter was complained to his family members, then complainant along with his friends and family members called the brother of the applicant and mercilessly beaten him and this applicant/accused reached the spot later on on hearing the noise to save his brother. Id. Counsel has further submitted that this applicant/accused also received injuries over his hand but no MLC was prepared by the IO & even no cross-case was registered against the complainant party. He has further submitted that no recovery was ever effected from him or at his instance. He has further submitted that first bail application of the applicant/accused was dismissed way back on 07/07/2020 and till that time charge-sheet was not filed & one of the co-accused was absconding, who has also been arrested in the present case. He has further submitted that applicant is a young boy having large family to support, undertakes to abide by any condition imposed by this Court at the time of granting bail, charge-sheet has already been filed, which is pending trial before this Court. He has lastly prayed for grant of bail to the applicant/accused.

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:2:

On the other hand, Id. Substitute Addl. PP for the State has opposed the bail application on the ground that this applicant/accused along with co-accused Jamna caught hold of the complainant, while the other co-accused Akshay @ Bunty had caused knife injury to the complainant.

Heard. **Keeping in view the custody period of the applicant/accused Suresh @ Gillu**, also keeping in view the role of the applicant/accused in the incident in question & also in view of the fact that there is no previous involvement of this applicant/accused, **he is ordered to be released on bail on his furnishing personal bond in the sum of Rs. 20,000/- with one surety in the like amount.** However, the applicant/accused is directed not to threaten the prosecution witnesses or tamper with evidence or indulge in any such crime and to follow the guidelines qua COVID 19 issued by Government of India as well as by Govt. of NCT of Delhi. The applicant shall share his phone live location as and when required by the IO. 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. **The bail application is disposed of accordingly.** Nothing stated herein shall tantamount to any expression of opinion on the merits of the case. Copy of order be given dasti to all concerned.

Issue production warrants of all the accused through concerned Jail Superintendent for the next date of hearing.

Put up for arguments on charge on **12/05/2021**.

(Shivaji Anand)

Addl. Sessions Judge: 04 (North)

Rohini Courts: Delhi:20/03/2021(A)

At this stage, at 12.42 p.m., all the three accused persons have been produced from J.C. Let they be produced on date already fixed in the matter i.e. 12/05/2021.

(Shivaji Anand)

Addl. Sessions Judge: 04 (North)

Rohini Courts: Delhi:20/03/2021(A)