

DLNT01-006875-2021

SC No. 436/2021

FIR No. 218/2021

PS- Crime Branch

State Vs Sushil Kumar etc

U/s-302/307/308/364/365/452/323/342/188/269/147/148/149/506(II)/392/394/
397/411/201/109/120B/34 IPC & 25(1)(B)/27(1) Arms Act

28/09/2021

As per latest order of Hon'ble High Court vide no. 569/RG/DHC/2021 dated 19.08.2021 & subsequent order no. 24818-24877/PD&SJ Sectt./COVID/North/RC/2021 dated 21/08/2021 of Id. Principal District & Sessions Judge, North, Rohini Courts, vide which it is directed that the physical hearing in District Court of Delhi shall resume in a graded manner w.e.f. 25/08/2021 & the judicial officers shall hold the Court physically on alternate days basis on the allocated day as per roster, while the other continue to hold Court through videoconferencing on non-physical days w.e.f. 25/08/2021 till further orders. It is further directed that all the judicial officers shall permit hybrid hearing/video-conferencing hearing, where-ever possible, if a request to such effect is made by any of the parties and/or their counsel on the date of physical hearing of Court. It is further directed that directions issued vide office order no. 256/RG/DHC/2021 dated 08/04/2021 that no adverse orders shall be passed by the District Courts of Delhi in case of non-appearance of parties and/or their counsel stands withdrawn w.e.f. 25/08/2021. It is further directed that only ex-parte evidence can be recorded.

This application for grant of **interim bail** for a period of 13 days u/s 439 Cr.P.C, moved on behalf of applicant/accused **Anirudh Dahiya** is placed before me since the regular matter is pending before me. The same is taken-up through video-conferencing via CISCO Webex app., having meeting ID No. **1761575605**. The official email ID of this Court is reader.asj04north@gmail.com.

(AS PER ROSTER, VIRTUAL HEARING IS DONE TODAY)

Present in the Court	: None for parties.
Present through Webex	: Sh. Sanjay Jindal & Sh. Atul Srivastava, Id. Additional. Pps : for the State. : Sh. Himanshu Rana, Id counsel for applicant/accused. : Sh. Nitin Vashist, Id counsel for complainant Jain Bhagwan. : IO Inspector Mangesh Tyagi from Crime Branch.

It is submitted by Id counsel for applicant/accused that applicant has completed his B.P.E and is currently pursuing B.P.Ed from LNT College of Education, Panipat, Haryana. It is further submitted that the exams of fourth semester of B.P.Ed are commencing from 28.09.2021 and applicant has to appear in the said exams on 28.09.2021, 30.09.2021, 01.10.2021, 04.10.2021 and 06.10.2021. It is further submitted that at the time of third semester exams, which were held from 09.09.2021 till 18.09.2021, vide order dated 01.09.2021, the applicant was permitted to appear through online mode. It is further submitted that due to technical intricacies and administrative lapses, the applicant could not appear in the said exams. He has further submitted that this time date for applying the option for giving exams through online mode has already been gone and hence the applicant can not opt the option of giving online exams now. It is further submitted that applicant may be permitted to appear in the said exams physically. Id counsel has relied upon order passed by Hon'ble High Court of Delhi in bail application No. 1142/2021, titled as Nandan Puri Vs. State of NCT of Delhi, order passed in bail application No. 629/2020, titled as Mahesh Sharma Vs. The State(NCT of Delhi) and order passed in bail application No. 2564/2021 titled as Kishan Kumar Vs. State(NCT of Delhi). He has also relied upon order passed in CRL.A No. 1334/2019 titled as Rupender @ Kallu Vs. State(NCT of Delhi), order passed by Hon'ble

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High Court of Jammu and Kashmir in CM NO. 561/2020 in WP(Crl) No. 617/2019.

Reply of the bail application has been received from the concerned P.S and it is mentioned in the reply that out of total 17 accused persons charge-sheet has already been filed against 13 accused persons.

It is submitted by the Investigating Officer that in the present case there are total 17 accused persons and out of them charge-sheet has been filed against 13 accused persons and investigation qua the remaining accused persons is under process. He has further submitted that in the present case five victims had been adducted by the accused persons and they were brought at Chhtarsal stadium where they were brutally beaten. He has further submitted that accused persons and victims are from same fraternity and locality.

On the other hand Id Additional P.Ps for State have opposed the bail application and has submitted that accused side and victim side both belongs with the same society and in case the applicant/accused is released on interim bail the possibility of threatening the witnesses is very much there. It is further submitted that applicant should move the present bail application timely since one of the exam has already been conducted today itself, to which it is submitted by Id counsel for applicant/accused that the admit card has not been issued to the applicant earlier due to which the present application can not be filed.

Heard. Keeping in view the fact that in the present case large group of accused persons is involved and even the charge-sheet against all the accused persons has not been filed. Further the applicant/accused and victims are from same fraternity and locality and there is apprehension of life of the present applicant also due to enmity. Even otherwise the submission of Id Additional P.P for State that applicant should have applied on time for admit card for appearing online exams if he wanted to appear in the above mentioned exams is also acceptable at this stage. Accordingly in view of nature and gravity of offence, I do not find it a fit case for grant of interim bail to the applicant hence the present application for grant of interim bail is dismissed. The application is disposed of accordingly and same be tagged alongwith the bail application with the main case file. **Let copy of this order be sent on the email/ whatsapp of the Id. Counsel for the parties.**

(Shivaji Anand)

Addl. Sessions Judge: 04 (North)

Rohini Courts: Delhi:28/09/2021(M)