

DLNT01-006875-2021

IA No. 5/21(interim bail application of accused **Prince Dalal**)

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

25/11/2021

File taken-up today since this application for grant of interim **bail u/s 439 CrPC** for a period of three days moved on behalf of above named applicant/accused is pending in this case.

Present Sh. Sanjay Jindal, Id Additional P.P for State.
Sh. Rohit Singh, Id proxy counsel for main counsel
Sh. Nitin Vashisth, Id counsel for complainant/injured namely
Jail Bhagwan@ Sonu.
Sh. Ajay Kumar Pipaniya & Sh. Akash Sethi, Id counsels for
injured Sh. Amit Kumar.
Sh. Sumeet Shokeen, Id counsel for applicant/accused.

It is submitted by Id counsel for the applicant/accused that he has moved the present application for grant of interim bail on account of marriage of sister of the applicant/accused. He has further submitted that present applicant is the sole male child of his parents and is having two real sisters. It is further submitted that applicant/accused is the only male child in his extended family of his aunt(bua) as well. It is further submitted by him that Sh. Karambir Singh(fufa uncle of applicant) and Smt. Mukesh Kumari (aunt of applicant) are very close to the family of the applicant/accused. He has further submitted that Sh. Karambir Singh and Smt. Mukesh Kumari are having only two daughters and they do not have any male child. It is further submitted by him that marriage of their daughter namely Nikita Choudhary is scheduled for 27.11.2021 at Haryana. He has further submitted that presence of the applicant/accused is

necessary in the said marriage since there are certain

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ceremonies which are to be performed by brother of the bride. He has further submitted that he is seeking interim bail of the applicant/accused so that he can attend the marriage of the daughter of his aunt. It is further submitted by him that in case interim bail can not be granted to the applicant/accused then custody parole for night hours on 27.11.2021 may be granted so that he can participate in the marriage.

On the other hand, Id Additional P.P for State and Id counsels for complainant and injured persons have opposed the application for grant of interim bail. It is submitted by Id Additional P.P for State that Ms. Navita Choudhary whose marriage is scheduled for 27.11.2021, is not the real sister of the applicant/accused. It is further submitted by him that applicant/accused is also involved in another case FIR No. 806/18, u/s 25 Arms Act at Haryana and there is strong possibility of his influencing or threatening the witnesses not only in the present case but in the said case also, in case he is granted interim bail in the present case.

Heard. Keeping in view the fact that Ms. Navita Choudhary whose marriage is scheduled for 27.11.2021, is not the real sister of the applicant/accused, also in view of the fact that as per the case of the prosecution, the present applicant/accused was arrested from the spot and a

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loaded gun was recovered from his possession and further in view of the fact that as per the report of the concerned Jail Superintendent dated 13.06.2021, the present applicant/accused also violated the jail rules and he was found in illegal possession of mobile phone and once he illegally went to the terrace of the Special Security Ward and misbehaved with the officials of the jail authority. Even otherwise the present applicant/accused is involved in the case of abduction coupled with murder of the victim and as per the charge-sheet there are internal rivalries among the accused persons and other groups hence the safety of the applicant/accused is also to be seen. Accordingly in view of nature and gravity of offence and other stated facts, , 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. As far as submission of Id counsel for applicant/accused for grant of custody parole is concerned, same is also not be considered in view of the seriousness of offence as well as the fact that custody parole is sought for out of Delhi and that too at night hours. Regular matter be put up on date already fixed i.e **14.12.2021**. Dasti.

(Shivaji Anand)

Addl. Sessions Judge: 04 (North)

Rohini Courts: Delhi:25/11/2021(M)