

State Vs. Arjun Mandal
IA. No. 04/24 in SC No. 440/2021
FIR No. 306/2020
P.S. Narela
U/s 302 IPC

02.02.2024 at 4.00 PM.

This is an application under Section 439 Cr.P.C. for grant of bail moved on behalf of applicant/accused Arjun Mandal.

Present:- Mr. Nishant Kumar, Ld. Additional PP for the State.

Arguments have already been heard from Ld. Addl. PP for the State and from Mr. Vivek Shokeen, 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 has been register under Section 302 IPC on the statement of complainant Manoj Kumar, regarding murder of his father Rambabu Sahni by accused Arjun Mandal. That during investigation, accused disclose his involvement and at his instance weapon of offence was recovered.

2. It is argued by Ld. Counsel for the applicant/accused that accused is running in JC since 29.07.2020 and has been falsely implicated in the present case. There are material contradictions in the versions of the complainant Manoj Kumar. That accused had been enlarged on interim bail and had duly surrendered and there is nothing to

suggest that he had threatened the witnesses. That trial will take its own course and 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.

4. The present FIR has been register under Section 302 IPC on the statement of complainant Manoj Kumar, regarding murder of his father Rambabu Sahni by accused Arjun Mandal. That during investigation, accused disclose his involvement and at his instance weapon of offence was recovered. Even otherwise, the prosecution witnesses are yet to be examined specially the complainant Manoj Kumar, who is yet partly examined. It was argued by the ld. Counsel for the applicant/accused that there are material contradictions in the versions of the complainant Manoj Kumar, however, the veracity of the testimony of the said witness can be assailed only at the final stage and as such, he is yet to be discharged. The accused is known to the witness as they used to reside in an under construction house owned by the accused and if released on bail there is every possibility that he may threaten the said witness. The last seen witness Amar Singh and witness of the crime scene Manjeet are yet to be examined. The regular bail application on merits had already been dismissed by this court.

5. In the present case, owing to the gravity of the offence and the active role played by the accused does not warrant any leniency at

this stage.

6. Seeing the totality of the fact and circumstances and the above said discussion, 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
02.02.2024