

SC 460/2021
STATE Vs. RAJU ETC
FIR No. 596/2021
PS Jahangir Puri
U/s. 302/120B/34/201 IPC

16.01.2025

File taken up today on an application U/s. 439 Cr. P. C or U/s. 483 BNSS for issuance of directions for the release of the applicant/ccused from custody on regular bail in the base bearing FIR No. 596/2021 dated 18.06.2021 U/s. 302/120B/201/34 IPC moved on behalf of applicant/accused **Shankar**.

Present: Sh. Sanjay Jindal, Ld. Addl. PP for the State.
Shh. Budhpriya Gautam, Sh. Akhilesh Kumar Pandey
and Sh. Manoj Kumar, Ld. Counsels for complainant.
Sh. Rohit Singh, Ld. Counsel for applicant/accused
(through VC).

Reply to the above said application has already been filed by IO.

Ld. Counsel for applicant/accused submits that applicant/accused is in JC since 24.12.2021 and he has been falsely implicated in the present case. It is further submitted that he has nothing to do with the commission of the alleged offence and the allegations made against applicant/accused in the FIR totally false, frivolous and baseless. It is further submitted that investigation qua the applicant/accused is complete and chargesheet has already been filed by the police . It is further submitted that applicant/accused is not required for any further custodial interrogation and no fruitful purpose would be served to keep the applicant/accused behind the bar. It is prayed that above said application may kindly be allowed.

On the other hand, Ld. Additional PP for State strongly opposed the bail application and submitted that allegations against the

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applicant/accused are serious in nature. It is prayed that the above said application may kindly be dismissed.

This court has given thoughtful consideration to the submissions made by Ld. counsel for applicant/accused and Ld. Additional PP for State and has also perused the record placed before the same.

Perusal of the record shows that vide order dated 28.10.2022 charge for the offences punishable U/s. 302/34 IPC have been framed against applicant/accused and his co-accused persons with the allegations that applicant/accused and his co-accused persons had committed the murder of Rohit with gun shot injury. Perusal of the record also shows that, it has come in the testimony of eye witnesses that applicant/accused **Shankar** had fired gun shot towards the deceased and this shows that applicant/accused **Shankar** actively participated in commission of the alleged offence. Further, examination of some of the eye witnesses including PW-1 Sh. Ravi has not been completed as yet, therefore, releasing applicant/accused **Shankar** on bail at this stage may cause serious threats to said witnesses in view of the recent judgement of Hon'ble Supreme Court of India give in case titled as "**X Vs. State of Rajasthan & Anr. , Special Leave Petition (Criminal) No. 13378 of 2024**".

Keeping in view above discussion as well as seriousness of allegations leveled against applicant/accused and seriousness and gravity of offences alleged against him, the **present bail application of**

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applicant/accused Shankar is hereby dismissed.

Nothing stated herein shall tantamount to any expression of opinion the merits of the case. **Copy of order be given dasti to the applicant/accused.** The present bail application along with the proceedings be tagged along with main case file.

(Sushil Kumar)
Addl. Sessions Judge- 04
North District Rohini Courts Delhi
16.01.2025