

IA. No. 11/2024 in SC No. 478/2019
STATE Vs. Pankaj
FIR No. 167/19
P.S. KNK Marg
U/s 302/323/325/34 IPC

19.03.2024

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

Present : Dr. Raj Rani, Ld. Substitute Additional PP for the State.

Mr. D.K. Pandey, Ld. Counsel for applicant/accused.

IO/SI Prem.

Reply to the bail application filed. Copy supplied.

1. Briefly stated, the present FIR had been registered U/s 302/323/325/34 IPC on the complaint of complainant Sh. Dinesh Yadav on the allegations that in the month of March, 2019 he removed Babloo from his house as he was not paying rent and he had to pay Rs. 32000/- to him. That on 02.05.2019 when complainant asked Babloo about his remaining amount of Rs. 32000/-, Babloo became angry and started beating his sons Gandhi Yadav, Rajan Yadav and Raj Kumar and they sustained injuries and thereafter they were medically examined at BSA Hospital. That after treatment the complainant alongwith his sons came at his house and Babloo and his brothers attacked on complainant and his sons with knife due to which they got sustained injured and Raj Kumar had died.

MLC of injured Dinesh, Gandhi Yadav, Rajan, Raj Kumar @ Raja were prepared at BSA Hospital and postmortem of deceased Raj Kumar was

conducted on 02.05.2019 vide PM No. 383/19 and after postmortem the dead body of deceased was handed over his family members. MLC of injured Abhimanyu was also prepared at Safdarjung Hospital.

2. Vide this instant application it was submitted that accused has been falsely implicated in the present case. That he is running in JC since 11.05.2019. He is ready to abide by all the terms and conditions, which may be imposed. It is prayed that a lenient view be taken.

3. On the other hand, Ld. Substitute Additional PP for the State vehemently opposed the bail application submitting that the allegations levelled against the applicant/accused are very serious in nature and that he has played an active role in the crime.

4. I have heard the Ld. Counsel for the applicant/accused and Ld. Substitute Addl. PP for State and perused the record.

5. The allegations leveled against the applicant/accused are of serious nature. As per SCRB report which was filed by IO, applicant/accused is involved in another case FIR bearing No. 243/2018 PS KNK Marg U/s 354 IPC and 8 POCSO Act. From the report filed by the IO, it transpires that applicant has criminal involvement and there is every possibility that if released on bail he may commit similar offence or threaten the witnesses. Matter is at the initial stages.

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 accordingly.

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/19.03.2024