

No. 1A/2/20 in SC No. 478/19
FIR No. 167/19
P.S.- KNK Marg
u/S 302/323/325/34 IPC

State Vs. Babloo Kumar & Anr.

10.12.2020

Due to spreading of Corona Virus (COVID-19), special measures taken by the government to prevent it by ordering a nationwide lockdown, the hearing of the present bail application has been conducted through video conferencing using Cisco Webex Meeting App after taking consent of both the parties.

Present : Sh. Harvinder Nar, Ld Addl P.P for the state.

Sh. Aditya Kapoor, Ld. Counsel for the applicant/accused.

This is an application for bail moved on behalf of the **applicant/accused Pankaj Kumar.**

It is submitted by Ld. Counsel for applicant/accused that the applicant/accused is an innocent person and he has been falsely implicated in the present case. It is further submitted by Ld. Counsel for the applicant/accused that applicant/accused and his brothers received serious injuries and deceased received simple injuries and applicant has not stabbed the deceased and at the time of alleged incident, applicant tried to contact the local police to save himself and his family members and the accused persons in this case are the victims. It is further stated that chargesheet in the present case has been filed and applicant is in judicial custody since 11.05.2019 and trial shall take long time and no purpose will be served by keeping the accused in custody and prayer is made for grant of bail.

On the other hand, Ld. Addl. PP for the State vehemently opposed the bail application.

Brief facts of the case are :

That on 01.05.2019, while on patrolling, on receipt of DD No. 58B, Inspector Rajender Khatri reached at BSA hospital, where HC Sandeep met him, who produced MLC No. 5882/19 of Dinesh,

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MLC no. 6128/19 of Gandhi Yadav, MLC No. 6127/19 of Rajan and MLC Nos. 5883/19 & 6130/19 of Rajkumar @ Raja, who was declared brought dead. The dead body of Rajkumar @ Raja was preserved in the mortuary through Ct. Manmohan. In the hospital itself, Dinesh Yadav met Inspector Rajender Khatri, who made the following statement, which reads as under:

“That he is a driver. Babloo alongwith his family was residing at his house on rent. About two months ago, he got vacated the said premises, as Babloo did not pay rent on time and total sum of Rs.32,000/- was due from Babloo. He used to ask about the said balance amount.

In the afternoon of 01.05.2019, he alongwith his son Rajkumar demanded for the balance of said rent amount, on which he got annoyed and attacked them. He also received injuries. They all went to BSA Hospital and before reaching the police, they all returned to their houses. In the evening, Babloo alongwith his two brother passed by their house and all of them got enraged and started assaulting him and his three sons and all of them brandished knives and attacked them with knives on them, as a result of which all his three sons received injuries and Rajkumar died, whereas Gandhi Yadav and Rajan were hospitalized. While, assaulting Babloo and his two brothers were saying “Yeh toh jinda wapis aa gaye? Aaj inka kaam tamam kar dete hain, na yeh jinda rahenge wa na him kiraya mangenge. All the three persons had assaulted him and his sons in order to kill them”. Contd...3

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In the present matter, the charge u/s 302/307/323/34 IPC has been framed against the applicant/accused and material witnesses are yet to be examined and if the applicant is released on bail, he may threaten the witnesses who are the residents of same locality where the applicant is residing.

Keeping in view the facts and circumstances of the case and severity of the case, I am not inclined to grant bail to the applicant / accused. Hence, the bail application of the applicant / accused Pankaj Kumar stands dismissed.

(Rakesh Kumar-III)
Addl. Sessions Judge-02(North)
Rohini Courts Delhi
10.12.2020