

SC No. 401/2022
State Vs. Rohit Nagar & Ors
FIR No. 695/2022
PS New Usmanpur

12.04.2024

Present: Sh. Vikash Kumar, Ld. Addl. PP for the State.
Sh. Yatharth Sinha and Sh. Rajesh , Ld. Counsels for
accused.

1. File is taken up today as the bail application of accused Himanshu Nagar is pending for disposal. Arguments on the bail application have been heard.

2. Ld. Counsel for accused has argued that accused has been in J/C since 30.08.22. He has clean antecedents. Trial of the case has started. He is not required for further custodial/investigation purposes. Public witnesses examined in this case so far have not supported prosecution case. The other two accused persons have already been admitted to bail. Just two two days prior to the present incident, applicant received serious injuries as he was assaulted by four persons and an FIR under section 324/506/34 IPC has been registered on his statement in this regard. Under these circumstances, he could not get up from bed what to talk of brutally beating the victim to death. It is submitted that accused be released on bail.

3. On the other hand, Ld. Addl. P P for the State has opposed the bail application stating that allegations levelled against the accused are very serious in nature and the murder of the deceased was committed to avenge the beating of the applicant by the victim and his accomplices. It is also argued that after the accused/applicant was arrested, he had pointed out the places i.e dairy, house and other places, wherein the incident of beating of the victim had taken place. It is further argued that he is not entitled for bail.

4. Ld counsel for accused has further argued that prior to arrest of applicant, other accused persons were already arrested and such places have already been pointed out by them, therefore, pointing out by the applicant cannot be covered within the ambit of section 27 of Indian Evidence Act and the alleged confession is hit by section 25 of the Indian Evidence Act.

5. Considering the period of custody, parity with co-accused and the fact that public witnesses examined till date have not supported the prosecution case, accused Himanshu Nagar is admitted to bail on furnishing of PB/SB in the sum of Rs.30,000/-each. Bail application of accused is accordingly disposed of. Nothing stated in this order shall amount to expression of opinion on merits.

6. Copy of this order be given dasti to Ld. Counsel for accused as prayed for.

7. Put up for the date already fixed.

's' (Dr. Savitri)
ASJ-02(NE)/ KKD/Delhi
12.04.2024

Note : Ordersheet cannot be signed digitally as digital signature has expired.