

State Vs. Deepak Kumar

17.08.2021

This is an application for grant of interim bail as per the guidelines of HPC of Hon'ble High Court moved on behalf of the applicant / accused Deepak Kumar.

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

Ms. Neelam Singh, Ld. LAC for the applicant/accused.

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 that the applicant/accused is in JC for the last more than two years and he is entitled to bail as per the guidelines of HPC.

Report from the Jail Superintendent received.

On the other hand, Ld. Addl. PP for the State vehemently opposed the bail application and argued that allegations against the applicant are serious in nature as he committed the murder of his own mother Asha with a knife and prayer is made for dismissal of the bail application.

I have heard Ld. Counsels for the parties and perused the record carefully.

The court before passing any order on bail as per the guidelines of HPC should take into consideration various aspects such as the nature and seriousness of offence, the character of evidence, the circumstances which are peculiar to the accused, a reasonable possibility of the presence of the accused not being secured in the trial, reasonable apprehension of witnesses being tampered with, the larger interest of the public or the state and similar other consideration.

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In the present matter, the allegations against the applicant/accused are serious in nature as he committed the murder of his own mother Asha. As far as the release of applicant on interim bail under the guidelines of HPC is concerned, it is to be noticed that same are merely recommendatory in nature. Observation of HPC guidelines was made on 11.06.2020, i.e. almost a year ago. The number of COVID 19 cases and positivity rate in Delhi has declined and in my opinion the applicant/accused is not entitled to the benefit of interim bail as per the guidelines of HPC.

Therefore, considering the nature and gravity of offence, role attributed to the applicant/accused and overall facts and circumstances, no ground for bail is made out qua him at this stage. **Consequently, the application of applicant/accused Deepak Kumar for grant of bail stands dismissed.**

(Rakesh Kumar-III)
Addl. Sessions Judge-02(North)
Rohini Courts / Delhi / 17.08.2021