

SC 461/2024
STATE Vs. MOTA @ DEEPAK
FIR No. 241 /2024
PS Narela
U/s. 302/363/34 IPC

23.09.2024

File taken up today on 2nd application U/s. 439 Cr. P. C. for grant of regular bail moved on behalf of applicatn/accused **Mota @ Deepak @ Fauji Ka Beta**.

Present: Sh. Kumar Sanjay, Ld. Addl. PP for the State.
Sh. Irfan Firdous, Ld. Counsel for applicant/accused
Deepak @ Fauji Ka Beta (through VC).
IO/Inspector Anand Kumar Jha in person.

Ld. Counsel for applicant/accused submits that applicant/accused is in JC since 11.04.2024 and he has been falsely implicated in the present case. It is further submitted that applicant/accused absence from the locus creminis during the purported commission of offence substantiates their non-involvement in the said illicit act. It is further submitted that charge-sheet has been filed and no reason to keep the applicant/accused in JC. 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 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 person and Ld. Additional PP for State and has also perused the record placed before the same.

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Briefly stated, the present FIR bearing no. 241/2024 has been registered at PS Narela U/s. 302/363/34 IPC. Perusal of the record shows that there are allegations against applicant/accused **Mota @ Deepak @ Fauji Ka Beta** that he alongwith his other co-accused person had kidnapped and committed murder of deceased Vishal. Perusal of the chargesheet further shows that an eye witness namely Sahil has mentioned the name of applicant/accused in his statement U/s. 161 Cr. P. C. which prima facie shows involvement of applicant/accused **Mota @ Deepak @ Fauji Ka Beta** in commission of the alleged offence. Therefore, he cannot be treated on parity with other co-accused person namely Manish @ Ayush @ Bittul.

Keeping in view of above discussion as well as keeping in view of seriousness of allegations and also considering the seriousness and gravity of the offences alleged against applicant/accused namely **Mota @ Deepak @ Fauji Ka Beta** this court is not inclined to grant bail to applicant/accused namely **Mota @ Deepak @ Fauji Ka Beta**. The present bail application stands dismissed, accordingly. Copy of order be given dasti to the concerned parties. The present bail application file be tagged with the main case file.

(Sushil Kumar)
Addl. Sessions Judge- 04
North District Rohini Courts Delhi
23.09.2024

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File taken up today on an application U/s. 439 Cr. P. C for grant of bail moved on behalf of applicant/accused **Mohit @ Lala**.

Present: Sh. Kumar Sanjay, Ld. Addl. PP for the State.
Ms. Shivali Gautam and Ms. Vaishali Gautam, Ld.
counsels for applicant/accused Mohit @ Lala.
IO/Inspector Anand Kumar Jha in person.

Ld. Counsel for applicant/accused submits that applicant/accused is in JC since 11.04.2024 and he has been falsely implicated in the present case. It is further submitted that no weapon of offence has been recovered by the investigating agency at the instance of applicant/accused. It is further submitted that no public witness have come forth to name or identify the applicant/accused in order to link him with the present case. It is further submitted that there is no recovery of mobile phones from any of the accused which showed connectivity or conspiracy in the applicant/accused. It is further submitted that in the present case co-accused Manish @ Ayush @Bittul has already been granted bail. It is further submitted that in the present case chargesheet has already been filed and no fruitful purpose would be served to keep the applicants/accused persons 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. counsels for applicant/accused and Ld. Additional PP for State and has also perused the record placed before the same.

Briefly stated, the present FIR bearing no. 241/2024 has been registered at PS Narela U/s. 302/363/34 IPC. As per the case of the prosecution, there is only one eye witness of alleged incident of murder of deceased Vishal, however, eye witness Sahil has not named the present applicant/accused as one of the persons, who had allegedly committed the murder of deceased Vishal. Further, complainant has also named accused persons namely Mota @ Deepak and CCL 'P' (name not mentioned here CCL 'P'). As per the whole chargesheet applicant/accused has been arrested in the present case only on the basis of disclosure statements made by his co-accused persons, which are inadmissible in the eyes of law. On the ground of parity with co-accused Manish @ Ayush @Bittul, it is ordered that **applicant/accused Mohit @ Lala** be released on bail on his furnishing personal bond in the sum of Rs. 25,000/- with one surety in the like amount **subject to the following conditions:-**

- (i) Applicant/accused is directed not to threaten prosecution witnesses in any manner or tamper with evidence or indulge in any other criminal activity in future;
- (ii) The applicant shall appear before the court on each and every date

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of hearing;

In case, it is prima facie brought to the notice of the Court that the applicant/accused is violating the said conditions, the bail granted to him shall be liable to be cancelled on an application of investigating agency in this regard.

The bail application is disposed of accordingly. Nothing stated herein shall tantamount to any expression of opinion on the merits of the case. Application stands disposed of. Bail application file be tagged with the main case file.

(Sushil Kumar)
Addl. Sessions Judge- 04
North District Rohini Courts Delhi
23.09.2024