

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

01.08.2024

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

Present: Sh. Vineet Dahiya, Ld. Substitute Addl. PP for the State.
Sh. Gajraj Singh, Ld. Counsel for applicant/accused **Manish @ Ayush @ Bittul**.
IO/Inspector Anand Kumar Jha in person.

Reply to the above said application has been filed by IO. Same is taken on record. Copy of the same supplied to Ld. counsel for applicant/accused.

Ld. counsel for applicant/accused submits that applicant/accused is in JC since 12.04.2024 and he has been falsely implicated in the present case. It is further submitted that neither the father of the victim nor the victim's friend have attested to the presence of the applicant/accused at victim's house or at the scene of crime. It is further submitted that no weapon of offence has been recovered by the investigating agency at the instance of the applicant/accused which adds to the inadequacy of material against the applicant/accused. It is further submitted that no public witnesses have come forth to name or even identify the applicant/accused in order link him to the present

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

case which adds inadequacy of material against the applicant/accused. It is further submitted that applicant/accused is not involved in any criminal case. It is further argued that trial shall take a time and no fruitful purpose would be served to keep the applicant/accused behind the bar. It is prayed that the 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 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

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

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. No doubt trial shall take time, therefore, no useful purpose shall be served by incarceration of present applicant/accused, therefore, it is ordered that applicant/accused **Manish @ Ayush @ Bittul** is to 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 satisfaction of 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 join the investigation as and when called by IO and he shall also appear before the court on each and every date of hearing;

In case, it is prima facie brought to the notice of the Court that the applicant/accused 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

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

to any expression of opinion on the merits of the case.
Application stand disposed of accordingly. Bail application file
be tagged with the main case file.

(Sushil Kumar)
Addl. Sessions Judge- 04
North District Rohini Courts Delhi
01.08.2024