

SC 865/2022  
STATE Vs. SHIVAM @ MODA AND ANR.(2)  
FIR No. 596 /2022  
PS Adarsh Nagar  
U/s. 302/34 IPC

19.11.2024

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

Present: Sh. Sanjay Jindal, Ld. Addl. PP for the State.  
Sh. J. K. Kalson, Ld. Deputy Chief Legal Aid Defence Counsel for applicant/accused.  
IO/Inspector Rajiv Kumar 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 21.03.2023 and he has been falsely implicated in the present case. It is further submitted that applicant/accused has not committed any offence and nothing has been recovered from the applicant/accused as alleged by the prosecution and the alleged recovery is false and planted one. It is further submitted that no fruitful purpose would be served to keep the applicant/accused 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 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

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the same.

Perusal of the file shows that charges for the offences punishable U/s. 302/34 IPC have been framed against applicant/accused and his co-accused person, vide order dated 12.01.2023. Further, there are allegations that applicant/accused and his co-accused person had allegedly committed murder of Ritik(deceased). Allegations against applicant/accused are serious in nature. It is pertinent to mention that applicant / accused has already jumped the bail in past when he was released on interim bail, therefore, possibility of jumping bail in future or commission of similar offence cannot be ruled out, if he released on bail.

Keeping in view of the above said discussion and also considering the severity and the gravity of offence as well as seriousness of allegations, the present bail application of applicant/accused **Shivam @ Moda** is hereby dismissed. 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  
19.11.2024