

IA No. 04/2024 in SC 661/2023
STATE Vs. Jatin Kishore @ Jatin Kumar
FIR NO. 480 /2023
PS S.P. Badli
U/s 302/120B/201/34 IPC

23.07.2024

This is an application under Section 483 BNSS for grant of bail moved on behalf of applicant/accused Jatin Kishore.

Present:- Mr. Nishant Kumar, Ld. Additional PP for the State.

Reply to the bail application has already been filed.

Arguments have already been heard from Mr. Antriksh, Mr.Dhruv Kapoor and Ms. Akshita Goswami, Id. Counsels for applicant/accused and from Ld. Addl. PP for the State assisted by Mr. Manoj Singh, Id. Counsel for the complainant along with complainant.

Various grounds for seeking bail have been mentioned in the application, which have been duly considered, however, the same are not being reproduced herein for the sake of brevity.

1. Briefly stated, the present FIR has been registered under Section 302/120B/201/34 IPC on the statement of deceased's father Sh.Sushil Kumar that his son Arun Kumar was got married with Anju @ Renu D/o Rajender on 09.03.2023. That on 22.05.2023 his father in law Rajender Singh was admitted in RML Hospital and Arun Kumar went for the help of her ill father-in-law. That at about 5.30 p.m., he received a call from deceased Arun Kumar that he was surrounded in laws house in Badli, Delhi. Thereafter, the mobile phone of Arun Kumar was switched off. They reached at Badli Village and found his son Arun Kumar in unconscious condition at first floor of the house.

He was taken to BSA Hospital, Rohini by the PCR van where he was declared brought dead.

That the next day, the postmortem of deceased Arun got conducted at mortuary, BSA Hospital, vide PM No 361/2023. The postmortem report no. 361/23 has been received which reveals that “death was due to combined effect of cerebral damage and hemorrhagic shock consequent to multiple injuries to the body, all the injuries were ante mortem in nature, fresh before death and caused by blunt force.

That during the course of investigation, on 23.05.2023, four accused were arrested and disclosed that they gave beatings to Arun with plastic pipe, kicks and punches. That at the instance of co-accused Kamal Kishore, weapon of offence i.e. plastic pipe white colour length 28 inches and 01 cm has also been recovered and taken into police possession vide seizure memo.

2. It was argued by Ld. Counsel for the applicant/accused that accused is running in JC since 23.05.2023 and has been falsely implicated in the present case. That there is delay in lodging the FIR and there is no previous involvement of the applicant/accused. It is prayed that a lenient view be taken.

It was further argued that co-accused Pradeep Grover and Anju @ Renu have been enlarged on regular bail by this Court on 05.03.2024 and 11.07.2024 respectively.

3. Ld. Additional PP for the State assisted by Id. Counsel for the complainant have vehemently opposed the bail application submitting that the allegations levelled against the

applicant/ accused are very grave and serious in nature.

4. Heard. Record perused. I have also perused the report filed by the IO.

5. The present FIR has been registered under Section 302/120B/201/34 IPC on the statement of deceased's father Sh.Sushil Kumar that his son Arun Kumar was got married with Anju @ Renu D/o Rajender on 09.03.2023. On 22.05.2023 his father in law Rajender Singh was admitted in RML Hospital and Arun Kumar went for the help of her ill father-in-law. At about 5.30 p.m., he received a call from deceased Arun Kumar that he was surrounded in laws house in Badli, Delhi. Thereafter, the mobile phone of Arun Kumar was switched off. They reached at Badli Village and found his son Arun Kumar in unconscious condition at first floor of the house. He was taken to BSA Hospital, Rohini by the PCR van where he was declared brought dead.

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During the course of investigation, on 23.05.2023, four accused were arrested and disclosed that they gave beatings to Arun with plastic pipe, kicks and punches. At the instance of

co-accused Kamal Kishore, weapon of offence i.e. plastic pipe white colour length 28 inches and 01 cm has also been recovered and taken into police possession vide seizure memo.

The applicant is stated to play active role in the offence as he held the hands of the deceased, while others gave merciless beatings which resulted in cerebral damage and multiple injuries on the body of the deceased, as per the postmortem report of the deceased bearing no. 361/2023 and thus, no grounds for parity are made out viz-a-viz. accused Pradeep Grover, who was merely a mediator in the wedding of the deceased and Anju @ Renu, who was enlarged on bail being a female and having not played any active role.

Not only this, even subsequent conduct of the accused persons including the applicant was suspicious and initially they did not disclose that the injured Arun Kumar had already died and had wrongfully detained his dead body on the first floor of the premises and they tried to destroy the evidence by washing his clothes and pretended that he is still unconscious. It is only when the brother and father of the deceased insisted and inquired about him, they realized that he had been killed by accused persons. Accordingly, FIR under Section 302/201/120B/34 IPC had been registered for committing murder and destruction of evidence jointly by the accused persons.

Matter is still at the initial stages. Owing to the gravity of the offence and the subsequent conduct by trying to destroy the evidence in order to evade from the clutches of law and active role played by the applicant/accused, no leniency at this stage is warranted.

6. Seeing the totality of the fact and circumstances and the above said discussion, no ground for grant of bail is made out at this stage. The bail application accordingly **dismissed**.

Application stands disposed off.

7. *It is clarified that nothing stated herein shall tantamount to an expression of opinion on the merits of the case.*

8. Copy of the order be given *dasti* to the Ld. Counsel for the applicant/accused as well as be sent to concerned IO, concerned Jail Superintendent, Ld. Secretary, DLSA (North), through all possible modes, as per rules.

(Shefali Sharma)
Addl. Sessions Judge-02(North)
Rohini Courts Delhi
23.07.2024