

IA No. 07/24 in SC 692/2019
STATE Vs. Sonu @ Sam & Ors.
FIR No. 264/2018
P.S. Mukherjee Nagar
U/s 25/27/54/59 Arms Act

09.05.2024

This is second application under Section 439 Cr.P.C. for grant of bail moved on behalf of applicant/accused Rahul @ Moni.

Present : Sh. Nishant Kumar, Ld Addl P.P for the state.

Reply to the bail application has already been filed.
Copy has already been supplied.

Arguments have already been heard from Ld. Addl. PP for the State and from Mr. Arun Sehrawat and Mr. Sudeep Sharma, Ld. Dy. Chief LADC for applicant/ accused.

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. Brief facts of the case are that on 22.10.2018 an information was received that a person namely Rahul @ Moni involved in a murder case is hiding in the area of Holambi Kalan, if raid is conducted, he can be arrested. That at around 4.30 p.m. the person identified was apprehended and in taking his search a country made pistol and three live cartridges were recovered. He was also found in possession of loaded desi katta. That illegal arms so recovered were seized and the accused was arrested in the present case.

2. It is submitted by Ld. Counsel for the applicant/ accused that the applicant/accused is innocent and he has been

falsely implicated in the present case. That there is no sufficient evidence to incriminate the accused in the present case and he has been falsely implicated.

3. On the other hand, Ld. Addl. PP for the State vehemently opposed the bail application and argued that the allegations against the applicant/accused are serious in nature and the regular bail application of the applicant/accused be dismissed.

4. I have heard Ld. Counsel for the applicant and Ld. Addl. PP for the State and perused the record carefully.

5. On 22.10.2018 an information was received that a person namely Rahul @ Moni involved in a murder case is hiding in the area of Holambi Kalan, if raid is conducted, he can be arrested. That at around 4.30 p.m. the person identified was apprehended and in taking his search a country made pistol and three live cartridges were recovered. He was also found in possession of loaded desi katta.

The allegations against the applicant/accused are of serious nature. He is reportedly involved in 04 other FIR bearing no.203/17, PS Kanjhawala U/s 379 IPC, FIR No. 183/13 PS Timar Pur U/s 307 IPC & 27/54/59 Arms Act, FIR No. 486/2012, Khajuri Khas U/s 307/34 IPC & 27/54/59 Arms Act and FIR No. 566/18 PS Mukherjee Nagar U/s 302/120B/109/114/115 IPC & 27 Arms Act. Moreover, applicant has already been **convicted** in case FIR No. 487/2012, PS Khajuri Khas and in case FIR no. 183/2013 PS Timar Pur, as per report of the IO.

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

Application is disposed off accordingly.

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, by the court staff.

(Shefali Sharma)
ASJ-02/North District
Rohini Courts/Delhi/09.05.2024