

Bail Matter 7522/2022

State vs. Dalip @ Lala

FIR No. 336 /2022

PS- Timarpur

U/s 392/34/341 IPC

27.12.2022

This is 2nd application u/s 439 Cr.PC for seeking regular bail of the applicant accused Dalip @ Lala.

Present: Sh. Ashesh Kumar, Ld. Addl. PP for the State.
Sh. Sarvesh Kumar, Ld. Counsel for the
applicant accused.
IO SI Deep Ram Sharma in person alongwith case
file.

1. Reply to the bail application is filed by the IO. Its copy is supplied to other side.
2. Arguments on the bail application are heard. The case file, application and its reply are carefully perused.
3. Briefly stated, the present FIR U/s 392/394/34 IPC was registered on the complaint of Smt. Manju Devi dated 06.10.2022 to the effect that on 05.10.2022, accused Rakesh along with her three sons including applicant herein entered her house, beat the complainant and her four workers causing injury on the head of the complainant and robbed four gas cylinders, fridge, some utensils, cash of Rs. 55,000/- and a mobile phone from her house. The complainant was medically examined and the concerned doctor opined that she sustained simple injuries. The applicant was arrested on 01.11.2022 after he surrendered in the Court and since then he is in custody.
4. Ld. Counsel for the applicant accused submits that he is innocent person with clean antecedents. He further submits

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that he has been falsely implicated in the present matter due to a monetary dispute between his family and the complainant family. He submits that his mother is running a whole sale grocery shop and was supplying grocery items to the complainant. He further submits that a total amount of Rs. 35,000/- of his mother was outstanding against the complainant for supply/sale of the said articles. However, instead of paying the said amount, she got his mother, his brother, his uncle and him falsely implicated in this case. He submits that no recovery of stolen articles has been effected from him. He submits that the co-accused persons i.e. Smt. Rakesh and Inderjeet @ Jeetu have already been enlarged on bail. He submits that he is no more required for the purpose of investigation of this case. With these submissions, he has sought release of applicant on bail.

5. On the other hand, Ld. Addl. PP for the State assisted by the IO has vehemently opposed the bail application. He submits that the allegations against the accused are serious in nature. He submits that robbed property is still not recovered and if bail is granted to him, he may influence or threaten the witnesses to dissuade them from revealing true facts in Court. He submits that the applicant may misuse the concession of bail as he may run away from justice to avoid his prosecution in this case. He further submits that his first bail application was dismissed on 02.12.2022. Accordingly, he has sought dismissal of the present application.

6. The applicant is in JC since 01.11.2022. He had

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himself surrendered in the Court. After dismissal of his first bail application on 02.12.2022, the co-accused Inderjeet @ Jeetu was granted bail on 26.12.2022 and therefore, this is an additional fact that needs to be favourably considered in the current second bail application. He is stated to have clear antecedents. Nothing incriminating was recovered from his possession. The investigation qua the applicant has already been concluded and he is no more required for investigation of this case. Thus, no fruitful purpose would be served by further curtailing his liberty. He is stated to have deep roots in the society and therefore, his chances of fleeing from justice are negligible. Further, the co-accused Smt. Rakesh also received injuries in the said incident and therefore, possibility of false allegations or exaggeration of the allegations to involve all the family members of the applicant in a serious offence cannot be ruled out. The co-accused persons with the similar allegations, have already been granted bail.

7. Keeping in view of the above facts and circumstances and on the ground of parity, the applicant accused **Dalip @ Lala** is admitted to bail subject to furnishing of personal bond in the sum of Rs. 20,000/- with one surety of the like amount to the satisfaction of the concerned Ld. MM/ Link MM/ Duty MM and subject to following conditions :-

- I. He shall co-operate in the investigation and he shall appear before the IO as and when his presence is desirable for the investigation;
- II. He shall not pressurize, induce, influence or threaten the complainant and other witnesses to dissuade them from revealing true facts; and
- III. He shall not tamper with the evidence.

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8. The observations made while disposing off the present application shall not tantamount to the expressions on the merits of the case.

9. Copy of this order be given *dasti*, as prayed. A copy of the order be sent to the concerned Court.

(DHEERAJ MOR)
Vacation Judge / ASJ-02,Central,
THC, Delhi/27.12.2022