

11-10-2019

Present: Dr. Raj Rani, learned Addl. PP for the State.
Accused Vicky Yadav is present on bail.
Accused Chirag Mittal is produced from JC.
Accused Kartik is present along with his surety.
Learned counsel for accused persons.

NBWs issued against accused Kartik and Chirag Mittal and notices under Section 446 Cr.P.C. issued against their sureties received back. Reports perused.

An application for cancellation of NBW issued against accused Kartik has been filed along with medical prescription of Dr. Baba Saheb Ambedkar Hospital, Rohini.

Heard. Perused.

Learned counsel for accused Kartik submits that due to fever, accused Kartik could not appear before the Court on 20-09-2019 when NBW was issued against him. Learned counsel for accused further submits that his non appearance was neither intentional nor deliberate and prays that NBW issued against applicant may kindly be cancelled.

On the other hand, learned Addl. PP for the State vehemently opposes the application.

Perusal of record shows that no documentary proof with regard to medical condition of accused Kartik on 20-09-2019 has been filed and the medical prescription filed on record is of 10th October, 2019.

Since no documentary proof with regard to medical condition of

applicant /accused Kartik has been filed, application is dismissed. Accused Kartik is taken into judicial custody.

Arguments on charge heard.

Learned counsel for accused persons submit that accused persons have been falsely implicated in the present case.

On the other hand, learned Addl. PP for the State submits that prima facie, a case for the offences under Section 365/394/397/34 IPC is made out against the accused persons.

It is the case of the prosecution that on 06-03-2017 at about 3 am on Outer Ring Road, Near Haiderpur Metro Station (Road going towards Mukarba Chowk from Madhuban Chowk), Delhi, accused persons in furtherance of their common intention had committed robbery of Rs.96,000/- and a purse containing four debit cards each of UCO Bank, SBI, ICICI and Kotak Mahindra Bank from the possession of complainant Ashish Gupta and while committing robbery, accused Vicky Yadav hit the butt of a pistol like object on the forehead of Gaurav Gupta, cousin brother of complainant Ashish Gupta.

Keeping in view the totality of the facts and circumstances of the matter, prima facie a case for the offences punishable under Section 394/397/34 IPC is made out against the accused persons. Accordingly, the charge for the said offences is framed against the accused persons to which they plead not guilty and claim trial.

Put up for PE on 14-11-2019. Let the material prosecution witnesses be summoned for the next date of hearing.

At this stage, learned counsel appearing for accused Chirag Mittal submits that accused has filed second bail application under Section 439 Cr.P.C. and same may kindly be disposed of.

Arguments heard. Record perused.

Learned counsel for applicant/ accused submits that accused is in

JC since 30-09-2019 and he is not having any criminal background. Learned counsel for applicant further submits that investigation in the present case has already been completed and charge sheet has already been filed and no purpose would be served by keeping the accused Chirag Mittal in JC. Learned counsel for applicant further submits that there is no chance of his absconding or tampering with the evidence and he is ready to abide by all the terms and conditions imposed by the Hon'ble Court if Hon'ble Court grants bail to the accused.

On the other hand, learned Addl. PP for the State vehemently opposes the bail application of the accused.

Keeping in view the facts and circumstances of the matter and having considered the facts that there are serious allegations against the applicant of committing robbery along with the co-accused persons from the possession of complainant. Charge has been framed in the case today itself and complainant Ashish Gupta is yet to be examined in the case. There is every likelihood that applicant may influence the prosecution evidence if he is released on bail. The applicant was earlier granted bail but he jumped the bail without any just cause. Thus, keeping in view the seriousness of the offence, no ground is made out for the indulgence of this Court at this stage of the matter. The application is accordingly dismissed.

Put up on date fixed for purpose fixed.

(Deepak Jagotra)
District & Sessions Judge
North West District
Rohini Courts, Delhi
11-10-2019