

**Bail Matter
State Vs. Rahul @ Bhonda
FIR No. 13/2021
U/s 392/397/412 IPC &
25/27/54/59 Arms Act
PS Maurya Enclave**

06.11.2023

Present: Sh. Ravi Kumar, Ld. Substitute Addl. PP for the State.
Sh. Ram Niwas, Id. Counsel for applicant/accused.
IO SI Dheeraj in person.

1. ***This is an application under Section 439 Cr.P.C. for grant of bail, moved on behalf of applicant/accused Rahul @ Bhonda.***

2. Brief facts of the present case, as per prosecution, are that in early hours (at about 04:00 am) on 14.01.2021 applicant/accused alongwith his associates committed dacoity in Reliance Jewellery Showroom, Pitampura, Delhi after broke open the shutter and glass door of the showroom with the help of iron rod. The said incident was recorded in CCTV cameras and applicant/accused can be seen sitting in the Honda City car which was used in commission of crime.

3. It is submitted by Id. Counsel for applicant/accused that applicant/accused is innocent and has been falsely implicated in the present case. It is further submitted that investigation qua applicant/accused is complete and charge sheet has already been filed. It is further submitted that all co-accused Ansar Sheikh,

Shankar, Sameer Sheikh, Ishan @ Rehan, Sobrati, Mithu Ahmed, Samshul Sheikh, Mohd. Salim Reed, Mohd. Nazir Sheikh, Shammi, Poonam Sharma, Renu @ Bibi have already been granted bail. It is further submitted that applicant/accused is in JC since 19.01.2021. It is further submitted that bail application of applicant/accused has already been dismissed on 29.04.2022, 17.12.2022 & 25.07.2023

4. Ld. Addl. PP has opposed the bail application. It is submitted that applicant/accused is a habitual offender having involvement in 33 criminal cases. It is further submitted that case property has also been recovered from the accused. It is further submitted that applicant/accused has been correctly identified by the complainant during TIP. Therefore, considering the involvements of applicant/accused, bail application of application may not be allowed as there is every likelihood that he may commit the same offence again and may threaten the witnesses.

5. Since the dismissal of last bail application of applicant, there is no material change in the circumstances and complainant is yet to be examined.

6. In State of MP Vs. Kajad (2001) 7 SCC 673, Hon'ble Supreme Court laid that:

“8. it is true that successive bail application are permissible under the changed circumstances. But without the change in circumstances the second bail application would be deemed to be seeking review of earlier judgment which is not permissible under criminal law as has been held by this Court in Hari Singh Mann Vs. Harbhajan Singh Bajwa (2001) 1 SCC 169; 2001 SCC CRI 113 and

various other judgments.”

7. Since there is no new material change on the facts of the prosecution case and considering that complainant/eye witnesses is yet to be examined, I am not of the view to grant bail to applicant/accused. Hence, dismissed. Copy dasti.

**VIKRAM
ASJ-II/SPECIAL JUDGE NDPS/
NORTH-WEST/ROHINI COURTS/
DELHI/06.11.2023**