

Bail Matter
State Vs. Rahul @ Bhonda
FIR No. 13/2021
U/s 395/397/412 IPC &
25/27 Arms Act
PS Maurya Enclave

23.08.2024

Present: Sh. K.D. Pachauri, Ld. Addl. PP for the State.
Sh. Lakshay Yadav, ld. Counsel for
applicant/accused.

1. *This is an application under Section 439 Cr.P.C. (now 483 BNSS) for grant of bail, moved on behalf of applicant/accused Rahul @ Bhonda.*

2. Reply to application already received. Arguments heard.

3. 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.

4. It is submitted by ld. Counsel for applicant/accused that applicant/accused is innocent and has been falsely implicated in the present case. It is further submitted that applicant was not informed about the grounds and reasons for his arrest in the

present case. Nothing incriminating has been recovered from applicant/accused. 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 and trial will take a considerable time.

5. Ld. Addl. PP has opposed the bail application. It is submitted that applicant/accused is a habitual offender having involvement in more than 30 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.

6. There is previous involvement of applicant/accused in around 30 cases out of which he has been convicted in two cases of theft. Long incarceration is not a ground for bail.

7. Complainant is yet to be examined in this case. Since the dismissal of last bail application of applicant, there is no material change in the circumstances.

8. 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.”

9. Since there is no new material change in the facts of the prosecution case and applicant is already convicted in two cases of theft and also 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/23.08.2024**