

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

**24.08.2024**

Present: Sh. K.D. Pachauri, Ld. Addl. PP for the State.  
None for applicant/accused.  
IO SI Rahul Malik in person.

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

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 Id. Counsel for applicant/accused that applicant/accused is innocent and has been falsely implicated in the present case. Investigation qua applicant/accused is complete and charge sheet has already been filed. It is further submitted

that applicant/accused is in JC since 16.01.2021. Three main witnesses have been examined and so far nothing specific came out against the applicant 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 around 77 criminal cases. It is further submitted that approximately 149 grams gold was recovered from applicant/accused. 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 77 cases. An application moved on same grounds has already been dismissed on 24.05.2024. Contention of applicant is that three main witnesses have been examined in this case. However, record shows that no witness has been examined in this case. 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 applications 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 considering the involvement of applicant and also for the fact that complainant/eye witnesses is yet to be examined, I am not of the view to grant bail to applicant/accused. Hence, dismissed. ***Copy of this order be sent to Jail Superintendent to intimate the applicant/accused about the order on his application.***

**VIKRAM  
ASJ-II/SPECIAL JUDGE NDPS/  
NORTH-WEST/ROHINI COURTS/  
DELHI/24.08.2024**