

SC No. 155/2022  
State Vs. Santosh  
FIR No. 319/2020  
P.S. GTB Enclave  
u/s 392/397/411/419/468/471 IPC  
& 25 Arms Act.

02.04.2024

Present : Sh. Parmod Kumar, Ld. Addl. PP for State.

Sh. Sundeep Kumar, Ld. counsel for  
applicant/accused.

This application under Section 439 Cr. PC seeking interim bail moved on behalf of applicant, is fixed for clarification, if any / order.

No clarification is required.

**ORDER**

1. By virtue of this order, application u/s 439 Cr. PC on behalf of applicant/accused seeking interim bail shall be disposed of.
2. Ld. Counsel for applicant/accused has submitted that applicant/accused is in JC in the present case since 16.10.2020; that applicant/accused is a young man aged about 37 years and he is not a previous convict; that applicant/accused has been falsely implicated in the present case; that family of applicant/accused consisting of his old aged mother, wife and three minor children, is going through financial hardship and applicant/accused is the only earning member in his family; that mother of applicant/accused is having 09 bigha land situated in village Nauratha, District Kasganj, near Aligarh, UP; that mother of applicant wants to sell some portion of the said land and she needs presence of applicant/accused for some days; that if

applicant/accused will be released on interim bail, he can arrange some monetary help for the betterment of his children's future. It has been further submitted that applicant/accused is ready to abide by all the conditions imposed by the court, if he is released on interim bail. Thus, Ld. Counsel has prayed for grant of interim bail to the applicant/accused for one month.

3. Per contra, Ld. Addl. PP for State has opposed the present bail application on the ground that the application does not contain any imminent or urgent grounds to be considered for the release of applicant on interim bail. It has been further contended that the nature of allegations against the applicant/accused in the present case are serious. It has been further contended that examination-in-chief of complainant is yet to be completed and other public witnesses are yet to be examined, therefore, applicant can threaten the complainant/public witnesses, in case applicant/accused is released on interim bail. It has thus been prayed that application may be dismissed.

4. At the outset, it is worthwhile to mention that interim bail for applicant/accused has been sought on the ground that family of applicant/accused is facing financial hardship and his mother owns some immovable property in her name, so she wants to sell out the said property, for which company of her son i.e. applicant/accused is necessary. In terms of directions passed by this court, the relevant document i.e. certified copy of khatoni qua the immovable property in the name of applicant's mother was filed, as per which, she owns property in vilage Nauraiya, Kasganj. However, the grounds raised in the present application cannot be stated to be exceptional, so as to warrant grant of interim bail to the applicant/accused, more so, as it is the duty of this court to maintain a balance vis-a-vis the interest of all the

parties i.e. applicant/accused on one hand and the victim as well as the society on the other.

5. Pertinently, applicant is an accused in the present case, who is alleged to have committed a serious offence along with other accused persons. Moreover, the present case otherwise, is at a crucial stage when the evidence of complainant is being recorded, wherein he seems to have largely supported the prosecution case in his examination-in-chief recorded so far and has also correctly identified the applicant/accused. Also, his further examination-in-chief has been deferred, therefore, the possibility of threatening and intimidating the complainant by applicant/accused cannot be ruled out, in case interim bail is granted at this stage.
6. Therefore, considering the above discussion as well as in the light of facts and circumstances in totality, this court is of the opinion that the present application does not put forth reasons sufficient enough to warrant release of applicant/accused on interim bail.

Accordingly, the present application seeking interim bail is dismissed.

(Vineet Kumar)  
ASJ-02/E-Court/Shahdara  
KKD/Delhi/02.04.2024