

Sl. no. 2
SC No. 399/2019
Reg. No. 910/20
State Vs. Akshey @ Keshav
FIR No. 222/2019
P.S. GTB Enclave
U/s 392/394/397/411/34 IPC

I.A No. 03/2020

28.07.2020

This is second application for grant of regular bail u/s 439 Cr.P.C. as filed on behalf of above named applicant/accused during Covid-19 Pandemic.

Arguments have been advanced by Sh. C.S. Tyagi, Ld. Counsel for applicant and also by Sh. Yadvendra Singh, Ld. Substitute Addl. Public Prosecutor for State through video conferencing by using 'Cisco WebEx' App.

SI Sonu Kumar has also joined video conferencing. Reply is also filed.

Ld. Counsel for applicant argued that applicant is in JC since 23.05.2019 and has been falsely implicated in the present case. Ld. Counsel for applicant further argued that alleged role of applicant is that he caught hold both the hands of complainant. It has been further submitted that nothing was recovered at the instance of applicant and he has been arrested only on the basis of disclosure statement of co-accused persons. Ld. Counsel for applicant further argued that applicant is involved only in one previous case, in which he is on bail.

Per contra, bail application is opposed by Ld. Substitute Addl. Public Prosecutor for State while submitting that applicant refused to join the TIP. It has been submitted that co-accused Tarun Seth was apprehended from the spot. Ld. Substitute Addl. Public Prosecutor for State further submitted that as per report of IO, applicant is involved in 11 cases.

In brief, as per FIR, on 22.05.2019 at about 10.45 pm complainant Sunder Singh was going towards his house and when he reached in front of Gate No. 2, IHBAS Hospital, four boys stopped him. One of them caught hold his hands and second one caught hold him from his neck while two other boys robbed Rs.500/- and his mobile phone. He (complainant) started shouting and one of them gave a blow of knife on his right foot. After hearing his shouting, two police officials came at the spot on a motorcycle and he with the help of police officials caught hold one of the boy with knife, whose name was disclosed as Tarun Seth.

During investigation, co-accused Tarun Seth made disclosure statement that he committed the offence along with his companion including the applicant. Robbed mobile phone was recovered from the possession of co-accused Sachin @ Aadi. The only evidence against the applicant is that he refused to join the TIP proceedings.

On being asked, SI Sonu Kumar has admitted that out of 11 involvements recorded against the applicant, 9 are regarding e-FIR, u/s 379 IPC, in which applicant has already been got released.

Keeping in view the fact that applicant is in JC since 23.05.2019 and the alleged role is that he caught hold hands of the complainant, he is admitted to bail on furnishing a personal bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of Ld. Duty M.M./Jail Superintendent.

A copy of this order be sent to computer Branch for uploading the same on the website. Copy of the order be also sent to the AO judicial, who shall supply the same to the parties in terms of the office order no.2204-2221/D&SJ/SHD/KKD/Delhi dt. 20.04.2020 of the Ld. District & Sessions Judge, Shahdara District, Delhi.

Copy of the order be also sent to Jail Superintendent for his information.

(Sanjeev Kumar Malhotra)
ASJ-04/Shahdara
KKD Courts/Delhi/28.07.2020