

ID NO. 399/2019
IA NO. 15/2013
STATE VS. SACHIN ETC.
PS GTB ENCLAVE
U/S 392/394/411/34 IPC

14.02.2023

This is application for grant of bail of applicant/accused, under Section 439 of Cr.P.C.

Present: Sh. Anil Kumar, Ld. Addl. PP for State.
Sh. Pradeep Sharma, Ld. Counsel for applicant/accused.

Ld. Counsel for applicant submits that applicant is innocent and is not a previous convict or habitual offender. He further submits that applicant is in custody since 23.05.2019 and no useful purpose would be served by keeping the accused behind the bars. Ld. Counsel further submits that charge in the present case was framed and prosecution has examined only two witnesses yet. He further submits that applicant is a young boy aged about 25 years and having entire career ahead of him and if he may be granted bail, he would abide all the terms and conditions imposed by the court.

Reply to the bail application has been filed by the IO wherein it is stated that on 23.05.2019, on the complaint of Sunder Singh the present FIR No. 222/19 was registered and on the disclosure statement accused Tarun Seth, one stolen mobile phone was recovered from the pant of applicant Sachin @ Aadi from his house and chargesheet against the said accused filed accordingly.

The court is mindful of the fact that as a general rule it is the bail and not the jail, which is the right of the accused. However, the right of the accused must be balanced with the general interest of the society and the fairness of the investigation. The possibility of witness tempering and the apprehension of threat to witnesses are the factors which cannot be ignored.

In the present case, one stolen mobile phone was recovered from the possession of applicant Sachin @ Aadi and also the applicant is previously involved in many cases. Accused was granted interim bail during covid period and during that period he was involved in similar activities. In such circumstance, there is every possibility that applicant/accused would commit similar offences and the possibility of applicant/accused fleeing the process of law cannot be ruled out.

Keeping in view the totality of facts and circumstances of the case, at this stage I am not inclined to grant bail to the applicant/accused. Accordingly, bail application stands dismissed.

Copy of the order be given dasti.

(KIRAN BANSAL)
ASJ-04, Shahdara/KKD Courts,
Delhi/14.02.2023