

SC No.186/17  
FIR No.11/17  
PS Amedkar Nagar  
State Vs. Prakash etc.

Present: Mr. Santosh Kumar, Ld. Addl. Public Prosecutor for State.  
Accused Subhash is present on bail with counsel Sh. J. C. Kaushik.  
Accused Chander Bhushan is present on bail with counsel Sh. Jagat Singh.  
Other three accused persons namely Shiv Kumar, Arun Kumar and Sahil Gupta produced from JC.  
Accused Shokeen is absent.

Issue NBWs against accused Shokeen and notice to his surety for the next date 25.09.2018.

IO of the case requests for sometime to file the FSL report saying that same has already been collected from the FSL and same shall be shortly filed on record.

Ld. Counsel for accused Sahil Gupta submits that the application of bail may be considered after framing of charge hence, the same is kept pending.

An application for grant of bail on behalf of accused Arun has also been moved.

Arguments heard on the said application.

Ld. Defence counsel has vehemently argued that the accused Arun was not named in the FIR and even in the supplementary statement, the only role attributed to him is that he exhorted the other co-accused to fire on the deceased and the complainant.

On the other hand, Ld. Addl. PP has vehemently opposed the application on the ground that accused is facing

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accusation of the serious offences of section 302/307 IPC and though in the original statement, on the basis of which FIR was lodged complainant mentioned about presence of only two persons but, in his supplementary statement, complainant has disclosed about the involvement of three accused persons saying that on account of injuries, he was not in fit state of health therefore, he did not mention about the third person.

The IO is also present in the court and submitted that even the caller who made the call at 100 number had also informed about the presence of three persons.

I have carefully perused the chargesheet. The applicant/accused has been chargesheeted for the offences of Section u/s 302/307/120B rw sec.34IPC. I have also perused the supplementary statement of the complainant, wherein he has mentioned about the involvement of three persons. It is also pertinent to mention that during investigation, IO had also moved an application for conducting TIP of present applicant/accused but he refused to join the same, which is also sufficient to raise an adverse inference against him at this stage.

Considering the overall facts and circumstances present on record, I am of the view that allegations are grave and serious as accused has been chargesheeted for heinous offence of murder and attempt to murder and allegations of conspiracy are also there. Even otherwise, the role attributed to the applicant by the complainant in his supplementary statement prima facie shows that all the three accused were sharing common intention in the commission of alleged offences.

Considering the fact that in the case even the charge

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has not been framed, I am of the view that there is no ground for grant of bail. Application is hence rejected.

Copy of the order be given dasti.

(Sunena Sharma)  
Addl. Sessions Judge(3), South  
Saket Courts, New Delhi/24.08.2018