

SC No.585/17
FIR No.339/17
PS:Ambedkar Nagar
State vs. Mantosh etc.

23.10.2018

Present: Mr. R.K. Gurjar, Ld. Addl. Public Prosecutor for State.
Mr. Aman Usman, Ld. Counsel for accused Bala, Shera
and Ajay s/o Chanda Mama.

As per record, bail application u/s 439 Cr.P.C. moved on behalf of accused Shera is pending consideration.

Today, two more bail applications u/s 439 Cr.P.C. have also been moved on behalf of accused Bala and Ajay s/o Chanda Mama.

The above said applications have been moved for grant of bail in the wake of the testimony of the complainant Shanta Kumar and two more eye witnesses namely Vijay Kumar and Shiv Balan who have completely turned hostile qua the identity of the applicant/accused Shera, Bala, Ajay s/o Chanda Mama, Kanakratnam s/o Saila Durai, and Mantosh. Even the Ld. Addl. PP concedes to the facts that the said three material witnesses are completely hostile on the identity of the applicant/accused Shera and other four accused namely Bala, Ajay s/o Chanda Mama, Mantosh and Kanakratnam s/o Sella Durai.

I have carefully perused the statement of the complainant Shanta Kumar and two more eye witnesses namely Vijay Kumar and Shiv Balan who have been examined as PW1, PW2 and PW3 respectively. Perusal of their testimony shows

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that they have completely turned hostile on the identity of the said five accused persons Shera, Bala, Ajay s/o Chanda Mama, Kanakratnam s/o Saila Durai, and Mantosh and the complainant, who is also one of the victim of offence, has gone to the extent of saying that accused Shera, Bala, Ajay s/o Chanda Mama, Mantosh and Kanakratnam s/o Sella Durai, who were shown to him in the court, were not present on the spot at the time of alleged incident and they have been implicated by the police to save the other real culprits. None of the said three material witnesses either identified them nor attributed any role to any of said five accused in the commission of alleged offence.

Considering the fact that the above three material witnesses of the prosecution case have totally disowned their original version given to the police qua the role of the applicant/accused Shera, Bala, and Ajay s/o Chanda Mama and exonerated them from all the allegations made by them in the statement given to the police, I am inclined to allow the present applications. Accordingly, applicant/accused persons namely Shera, Bala and Ajay s/o Chanda Mama are admitted to bail on their furnishing bail bond in the sum of Rs. 50,000/- each with one surety each of the like amount subject to the condition that they shall not try to intimidate the prosecution witnesses in any manner.

The above said applications stand disposed off.

File be put up on date fixed.

(Sunena Sharma)
Additional Sessions Judge-03 (South)
Saket Courts/New Delhi/23.10.2018