

Bail Application
State Vs. Deepak @ Rahul
FIR No. 501/2021
PS : Najafgarh
U/s : 302/482/120B/34 IPC

28.03.2023

Present: Shri Dushyant Siwatch, Ld. Addl. Public Prosecutor for the State.
Shri Jai Dev Solanki, counsel for the applicant/accused.
IO Inspector Daljeet.

IO has brought the equipments i.e. laptop to play the CCTV footage of this case. Accordingly, he has played the said CCTV footage on his laptop.

Arguments on bail heard.

During the course of the arguments, counsel for the accused Deepak @ Rahul submits that accused has been falsely implicated in the present case and he is in judicial custody since 21.09.2021. It is further submitted that it is the allegation of the prosecution that present accused was involved in the commission of the crime i.e. murder of deceased Amit. Prosecution in order to connect the involvement of the present accused in the commission of the crime has relied upon the witness, namely, Dinesh Kumar @ Bahu (PW-1) and Himanshu and Divyanshu, (PW-5 and PW-6). It is claimed by the prosecution that PW-1 had seen the accused while committing the murder of the deceased but the said witness has not supported the case of the prosecution. He has also not identified the present accused during the trial of the case. Rather, he stated that he was forced by the police official to identify the present accused being assailant. It is further submitted that prosecution has also claimed that accused got prepared false number plate from the witnesses, namely, PW-5 and PW-6 but the said witnesses have also not supported the case of the prosecution. They denied the fact that present accused got prepared a false number plate from them. It is

further submitted that prosecution has also relied upon the fact that there was previous enmity between the family of the deceased and the accused Rahul @ Deepak due to the case i.e. FIR No. 15/2021. In the said case, present applicant was not the accused, however, his father and brother are accused in the said case. Moreover, witness of the said case i.e. PW-1 Ankush Dahiya has also not identified the four accused persons in the said case during the trial of the present case. In view of the said fact, it is apparent that there is no previous enmity between the family of the deceased and the present applicant. It is further submitted that today CCTV footage has also been played before this Court but the faces of the assailants are not clear due to darkness therefore, it cannot be said that present accused was involved in the commission of the crime. It is further submitted that now the scientific evidence are yet to come which cannot be tampered by the accused. It is prayed that present accused should be released on bail.

On the contra, learned Additional Public Prosecutor and IO have opposed the bail application stating that there is a ample evidence in the present case for showing the involvement of the accused Deepak @ Rahul in the commission of the crime. It is further submitted that there is a CCTV footage which has been played in the Court today showing that how the assailants fired upon the deceased. It is further submitted that there is a technic called as Forensic Gait Analysis whereby the images of the assailants/suspects can be assessed. Since the alleged incident has been captured by the CCTV footage, therefore, the assailants will be identified by the Forensic Gait Analysis. The said report is yet to be received from the FSL. It is further submitted that the weapon used in the crime was also recovered from the possession of the accused and report of the same is still awaited from FSL. It is further submitted that witnesses for proving the motive of the accused and other witnesses for proving the criminal conspiracy regarding providing SIM by the present accused to the other

accused, namely, Krishan is yet to be proved. In view of the said facts and circumstances, it is prayed that present accused should not be released on bail.

After having gone through the submissions of counsels of both the parties and perusal of the record, I find that only seven witnesses have been examined in the present case. Other witnesses regarding motive, proving criminal conspiracy and scientific evidence are yet to be examined. Therefore, at this stage, I am not inclined to grant bail to the present applicant.

Application is disposed of as dismissed.

Copy of this order be given dasti to counsel for the applicant and IO, as prayed for.

(R. L. Meena)
ASJ-05/South-West District,
Dwarka Courts/New Delhi
28.03.2023 (hg)