

I.A. No. 01/2019 in SC no. 292/2019
FIR no. 05/2019
State vs. Pramod @ Chhotu & Others
PS. Bindapur
U/s. 302/307/323/324/34 IPC

14.05.2019

ORDER ON BAIL APPLICATION OF
APPLICANT/ACCUSED PRAMOD @ CHHOTU

1. I have heard Sh. Avinash Upadhyay, Ld. Counsel for applicant/accused Pramod @ Chhotu and Sh. Pramod Kumar, Ld. Addl. P.P. for the State assisted by Inspector Rajiv Yadav and have perused the file including the application and its reply.
2. Ld. Counsel for applicant/accused argued that applicant/accused has been falsely implicated in this case, is under detention since 02.01.2019 and even as per levelled allegations, applicant/accused is alleged to have attacked the complainant and his brother by wooden stick (danda) and as per the allegations, there was no pre planned murder by applicant/accused nor was there any criminal conspiracy whereas there is no CCTV footage against

applicant/accused. It has been prayed that applicant/accused be enlarged on bail.

3. Ld. Addl. P.P. for the State has prayed for dismissal of the bail application submitting applicant/accused was sharing common intention for commission of offence of murder, attempt to murder and voluntarily causing hurt on the person of injured. Also was argued that one hard disc of DVR containing CCTV footage was seized which has been sent for examination at FSL, whose result is awaited. Also had been argued that blood stained clothes of deceased, shirt of complainant, clothes of injured Mohit, blood stained knife, blood from spot after seizure were sent to FSL whose result are awaited. Ld. Addl. P.P. for the State has prayed for dismissal of bail application stating that applicant/accused was apprehended at the instance of complainant who stated him to be one of the offenders of the incident.

4. First informant/complainant in lodged report averred that he was working as driver in Amazon and in the evening of incident was walking outside his home. At about 8.00 p.m. on

01.01.2019, in the street Akash and Vishal were quarreling and neighbour Bhaskar intervened and when Akash and Vishal were about to go back then from other side the accomplices of Akash namely Mohit, 2/3 boys as well as accomplices of Vishal namey Sajjan @ Sarvar and Chhotu came there. Said Chhotu was having danda in hand. Again quarrel started between Akash and Vishal. In said quarrel Vishal took out knife. Then Sajjan @ Sarvar exhorted Vishal and Chhotu saying “*tum jail jaa sakte ho to aaj inko jaan se maar do, mai bhi jail jaa chuka hu, jail mai kuch nahi hota*”. Upon that Vishal taking knife proceeded towards Akash but Mohit intervened and then Vishal gave knife blows on both hands of Mohit. On asking of Vishal, Chhotu with danda and Sajjan lifting bricks from nearby attacked upon those persons. Vishal gave knife blow to Mohit and his other companions with intention to kill. The accomplice of Akash, of age about 30 years picked up helmet and hit Vishal and his companions, upon which Vishal gave knife blow on said companion of Akash. First informant Shammi Gupta intervened and Vishal attacked on person of Shammi Gupta with knife to kill

him and when Shammi Gupta moved back then the knife blow of Vishal hit on chest of Shammi Gupta and he sustained injuries. Chotu hit danda on hand of Shammi Gupta and when Sumit came to save Shammi Gupta then Chotu and Sajjan hit Sumit with danda and brick and Sumit received injuries on head.

5. Autopsy Surgeon opined in postmortem report of Sumit that cause of death was haemorrhagic shock via injury no. 1 i.e. stab wound on right side of outer aspect of chest, which was sufficient to cause death in ordinary course of nature. Autopsy Surgeon in subsequent opinion also had opined that the aforesaid injury no. 1 mentioned in the postmortem report of deceased Sumit was possible by produced and examined knife.

6. The elicited allegations against applicant/accused Pramod @ Chhotu prima facie cull out the fact of applicant/accused sharing common intention with his co-accused/ accomplices for commission of offence of murder, attempt to murder and voluntarily causing hurt on the person of injured.

7. In this fact of the matter, I find no premise to enlarge

applicant/accused Pramod @ Chhotu on bail in view of seriousness and gravity of offences complained against him, lest he may flee course of justice, influence/coerce witnesses and/or tamper evidence. Bail application of applicant/accused Pramod @ Chhotu is dismissed.

8. Copy of this order be sent to accused in judicial custody through Superintendent jail concerned.
9. Put up on date already fixed on **28.05.2019** for arguments on charge.

(GURVINDER PAL SINGH)
ASJ-05,(SW), DWARKA COURTS
NEW DELHI:14.05.2019 (pb)