

21.05.24

File taken up today on an application filed on behalf of accused Dinesh @ Hemant grant of regular bail.

Present: Ms. Parul Singh, Ld. Addl. PP for the state.
Sh. Mohit Kumar, Ld. Counsel for the
accused/applicant Dinesh @ Hemant.

1. This is the application u/s 439 Cr.P.C for grant of bail moved on behalf of applicant Dinesh @ Hemant.
2. It is argued by the Ld. Counsel for applicant/accused that the accused is languishing in JC since 19.02.2021 and he is falsely implicated in the present case as he has nothing to do at with alleged offence. Further, it is stated that the nothing incriminating evidence has been found against the applicant in interrogation except the disclosure statement and concocted statement of complainant. Also, it is argued that the investigation of the present case has been completed and applicant is no more required for any further investigation and that the trial is going to take its time as there are 25 prosecution witnesses to be examined. It is further prayed that the accused is ready to submit himself to any conditions which the Hon'ble Court may impose and he shall directly or indirectly will not make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade from disclosing such facts to the court.
3. Application has been opposed on behalf of the State on the ground that the allegations against the accused are serious in nature. Further, that the examination in chief of the complainant is deferred and is yet to be examined and cross-examined. It is submitted that there is an apprehension that if granted bail he may

hamper the witnesses/complainant and temper with the evidence of the case.

4. I have heard arguments from both sides and have perused the application and chargesheet.

5. The allegations against the accused Dinesh @ Hemant are grave and heinous in nature. Further, the matter is at the stage of PE and examination in chief of the complainant is not yet complete and he is yet to be cross-examined and other material witnesses are yet to be examined in the present case and also, there is an apprehension that if granted bail the applicant/accused could flee from justice and harass the complainant/witnesses. Keeping in view the facts and circumstances of the case and the material available on record, the present court is of the opinion that no ground for bail is made out for grant of bail at this stage to the accused/applicant. Accordingly, the bail application filed on behalf of accused Dinesh @ Hemant as *dismissed*.

6. Nothing said herein shall tantamount to have effect on the merits of the case.

(AMBIKA SINGH)
ASJ-02/THC/West/Delhi
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