

Bail Application No. 197/2025
STATE Vs. SAWAN @ SAJAN
FIR No. 575/2024
PS Pandav Nagar
U/s 309(6)/311/3(5) BNS

20.03.2025

In view of the order of Ld. Principal District and Sessions Judge, East, KKD Courts, Delhi bearing no. 1371-1397/Judl/EAST/KKD/Delhi/2025, dated 31.01.2025, this application has been put up before the undersigned.

Present:- Sh. S.K. Tripathi, Ld. Addl. PP for the State.
Sh. Roshan Lal, Ld. Counsel for the accused along
with Sh. Vikas, Advocate.
IO/SI Lavkant in person.

Reply of the application has been filed.

Counsel for accused has submitted that no other bail application of the accused is pending either before the Hon'ble High Court of Delhi or before any other court; that the accused is innocent and has been falsely implicated in this case; that the accused is in custody since 04.11.2024; that the one accused namely Prem was arrested in case FIR no. 576/2024, PS Pandav Nagar and on the disclosure statement of the said accused, the present accused was arrested in this case; that nothing has been recovered from the possession of the accused; that the complainant could not identify the accused in TIP proceedings; that the investigation is complete and the charge sheet has already been filed and that no purpose would be served by keeping the accused in custody and therefore, the accused should be admitted to bail.

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Per contra, Ld. Addl PP for the State opposed the application arguing that the CCL and the accused had stabbed four persons in a row on the same day in different incidents and therefore, four separate FIRs were registered against them; that knife used in the commission of the offence was recovered from the possession of the accused in case FIR No. 576/2024, PS Pandav Nagar; that the scooty used in the commission of the offence was recovered in case FIR No. 576/2024, PS Pandav Nagar at the instance of the accused; that the accused had brutally stabbed the victim, due to which, his intestine had come out of belly; that the accused is involved in three other cases of like nature and therefore, the application may be dismissed.

I have heard the arguments and have gone through the material available on the record.

In the instant case, though, the complainant could not identify the accused in TIP proceedings, he informed the IO just after the proceedings that being fearful of the accused, he had identified some other boy as an offender instead of the accused.

Moreover, the knife used in the commission of the offence was recovered from the possession of the accused in case FIR No. 576/2024, PS Pandav Nagar. In the said case, the scooty used in the commission of the offence was also recovered at the instance of the accused.

In **Prasanta Kumar Sarkar vs Ashis Chatterjee & Anr.**, **Crl. Appeal No. 2086/2010**, Hon'ble Supreme Court of India held that while considering an application for bail following grounds are to be considered:-

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;
- (ii) nature and gravity of the accusation;
- (iii) severity of the punishment in the event of conviction;
- (iv) danger of the accused absconding or fleeing, if released on bail;
- (v) character, behaviour, means, position and standing of the accused;
- (vi) likelihood of the offence being repeated;**
- (vii) reasonable apprehension of the witnesses being influenced;**
- and**
- (viii) danger, of course, of justice being thwarted by grant of bail.

In the instant case, the accused is allegedly involved in three other cases of like nature and therefore, there is likelihood that the accused may commit further offence and may also threaten the injured, who is yet to be examined as a witness.

Therefore, this court is not inclined to admit the accused Sawan @ Sajan to bail. Accordingly, the application stands dismissed.

File be consigned to record room.

Copy of the order be given dasti.

(Subhash Kumar Mishra)
Additional Sessions Judge-03,
East, KKD Courts, Delhi
20.03.2025