

SC no. 4/20: FIR no. 114/19
U/s 186/353/307/411/34 IPC and 25/27 Arms Act
PS: Special Cell
State Vs. Deepak Khatri @ Kalu

03.04.2023

Present: Sh.Mukul Kumar, Ld. Addl. PP for the State.
Accused Deepak Khatri @ Kalu and Lokesh @ Surya are present on court bail.
Accused Rahul Barak and Pradeep @ Dheela @ Sonu produced from JC.
Sh. Abdul Gaffar, Advocate is present from New Delhi Bar Association.

Lawyers are abstaining from work.

Reply to the application for declaring the accused Deepak Khatri @ Kalu to be juvenile in the present case is received under the signatures of Inspector Anand Kumar.

Request of IO/Inspector Anand Kumar is received.

Considered and accepted for today.

Issue fresh notice to the IO to appear in person on the next date.

Be put up for arguments on the aforesaid application as well as arguments on the point of charge on **17.07.2023**.

An application under Section 439 CR. Pc for grant of bail moved on behalf of accused Rahul Brak @ Makhi.

Arguments heard. Record perused.

Brief facts: On 13.07.2019, a secret information regarding movement of desperate/wanted criminals was received. Accordingly trap was laid at Ganda Nala Road, Vikas Puri, Delhi. One white colour Honda City car was seen coming from ring road side. The car was signaled to stop but the driver accelerated and tried to ran away and started firing on the police team. Police team chased and covered the vehicle. Four accused persons got down from the

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car with weapons in their hands and fired upon the police team. Two accused persons namely Deepak and Rahul were apprehended and accused Lokesh @ Surya and Pradeep @ Dheela succeeded to escape from the spot. One Semi automatic pistol with six live cartridges and one country made pistol with one live cartridge was recovered from the applicant/accused. The police after completion of investigation has filed the charge sheet for the offences punishable under Section 186/353/307/411/34 IPC and 25/27/54/59 Arms Act.

It is submitted in the bail application that the applicant has been falsely implicated in the present case and he is in JC since 14.07.2019. that the charge sheet has already been filed and two accused persons namely Deepak Khatri and Lokesh @ Surya have already been released on bail and no useful purpose is going to be served keeping the applicant/accused further in JC as trial is going to take long time. It is prayed that looking at the period of custody the applicant/accused may kindly be enlarged on bail.

On the other hand bail application is strongly opposed by Ld. Addl. PP for the state.

In the present case the applicant/accused is alleged to have evaded his arrest and fired upon the police team. The applicant/accused is in JC since 14.07.2019. Investigation is already complete and the matter is at the stage of charge. Other two accused persons Deepak Khatri and Lokesh @ Surya have already been released on bail. Trial is going to take long time and no fruitful purpose is going to be served by keeping the applicant/accused in JC.

Considering the facts and circumstances of the case, looking at the period of custody and the fact that the applicant/accused is not required for custodial interrogation, I am of the considered opinion that no useful purpose is going to be served by keeping the applicant/accused further in JC. **Accused**

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Rahul Barak @ Makhi is admitted to bail on furnishing bail bond in the
sum of Rs.30,000/- with one surety in the like amount and subject to the
following conditions:**

**(a) The bail bond and surety bond of the accused shall not be
accepted without verification of address of the applicant/accused Rahul
Barak @ Makhi and his surety.**

**(b) The applicant shall furnish to the Investigating Officer/
S.H.O., a cell phone number on which the applicant may be contacted at
any time and shall ensure that the number is kept active and switched-on at
all times;**

**(c) The applicant shall not tamper with evidence nor otherwise
indulge in any act or omission that is unlawful or that would prejudice the
proceedings in the pending matter;**

**(d) The applicant/accused shall not leave the country without
prior permission of the court.**

With these observations the bail application moved on behalf of
applicant/accused **Rahul Barak @ Makhi** is disposed off.

In compliance of judgment in case **Sanjay Singh Vs. State (Govt.
of NCT of Delhi), Writ Petition Criminal no. 974/22**, copy of this order be
sent to the concerned Jail Superintendent to convey the order to the inmate.

**(Devender Kumar Jangala)
ASJ-05, New Delhi District
Patiala House Courts, New Delhi
03.04.2023**