

CNR No.:DLNT01-005200-2018
SC No. 321/2018
STATE Vs. Avdesh
FIR No. 09/2018
PS Swaroop Nagar
U/s: 302/364/201 IPC

04.03.2025

(This is an application under section 439 (1) Cr. P.C., for grant of bail moved on behalf of applicant/accused Avdesh)

Present: Sh. Sanjay Jindal, Ld. Addl PP for State.
Sh. Sanjay Kumar, Ld. Counsel for
applicant/accused.

Reply to the present bail application has been received on behalf of SHO PS Swaroop Nagar. Same be taken on record.

Ld.Counsel for applicant/accused submitted that applicant/accused is in JC since 03.02.2018 and he has been falsely implicated in the present case. It is further submitted that nothing has been recovered in the present case from the applicant/accused and if anything is alleged to be recovered the same is false and frivolous. It is further submitted that prior to this application, the Hon'ble Court was granted his bail for five days first time on 06.09.2023, 02nd time interim bail was granted on 31.03.2023 for a week and third time bail was granted on 12.04.2024 for three days. It is further submitted that the regular bail was dismissed by this Hon'ble Court on 01.04.2024. It is further submitted that the bail application of the applicant/accused filed before Hon'ble High Court of Delhi was withdrawn on 30.07.2014 with liberty and Hon'ble High Court of Delhi directed Ld. Trial Court to conclude the trial within one year from the NDOH i.e., 16.10.2024. It is prayed that the above said application may kindly be allowed.

.....Contd2/-

On the other hand, Ld. Additional PP for State strongly opposed the bail application and submitted that allegations against the applicant/accused are serious in nature. It is prayed that the above said application may kindly be dismissed.

This court has given thoughtful consideration to the submissions made by Ld. counsel for applicant/accused and Ld. Additional PP for State and has also perused the record placed before the same.

Perusal of the record shows that charge for the offences punishable U/s. 364/302/201 IPC have been framed against applicant/accused vide order dated 05.09.2018 and the matter is at the stage of PE. The allegations against applicant/accused are that he kidnapped Master Ashish @ Ashu, aged around 07 years, in order to commit his murder and committed his murder by strangulating him. It is also the case of prosecution that after commission of murder of Master Ashish @ Ashu, applicant/accused kept his body in suit case in his room and thereby made the evidence connected with the offence of murder to disappear with an intention to screen himself from punishment. It is pertinent to mention that around fourteen prosecution witnesses have examined by this Court till date who have supported the prosecution story and after considering the testimonies of prosecution witnesses examined in the present case till date as well as keeping in view of the seriousness of the offence and other material circumstances, this Court is not inclined to allow the present bail application. Same is dismissed, accordingly.

.....Contd3/-

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Keeping in view above discussion as well as seriousness of allegations leveled against applicant/accused and seriousness and gravity of offences alleged against applicant / accused **Avdesh**, the **present bail application of applicant/accused Avdesh is hereby dismissed.**

Nothing stated herein shall tantamount to any expression of opinion the merits of the case. **Copy of order be given dasti to the applicant/accused.** The present bail application be tagged with the main case file.

(Sushil Kumar)
Addl. Sessions Judge-04
North District Rohini Courts Delhi
04.03.2025 ^(R)