

FIR no. 223 dated 20.07.2022
BA No.-1511-2022

Present: Sh. Ajay, Ld. APP.
Sh. J.S. Chauhan, Advocate for accused Rahul.

Arguments on bail application of applicant Rahul advanced and heard.

2. Learned counsel for the applicant Rahul submitted that the applicant that police of P.S. Khol has registered a false case against the applicant. In fact the applicant is innocent and has committed no offence. That no offence under section 451 IPC is made out against the applicant/accused on the bare perusal of the contents of the FIR and complaint made by the complainant in the present case and local police has falsely involved the applicant in above noted case on false grounds. That there is inordinate delay of near about four months for lodging the above said FIR. That no recovery has been effected from the person of applicant and nothing is pending towards the applicant in above noted case. That there is no apprehension of applicant to escaping trial or tampering with the prosecution witnesses. That trial of the case will take a long time and no fruitful purpose will be served to keep the applicant behind the bars. That applicant undertakes to abide by all the terms and conditions of bail to be imposed by the Hon'ble Court. That applicant undertakes to abide by all the terms and conditions of bail to be imposed by the Hon'ble court. That applicant undertakes that he will come present before the Hon'ble Court on each and every date of hearing of case. That applicant is permanent resident of below noted address and having the moveable and

immoveable property there, so there is no chance of his absconding from the trial of the case. That applicant is law abiding citizen and peace loving person and is only bread earner of his family. That the surety and identifier of the applicant/accused are present before the Hon'ble Court today. That applicant has no criminal antecedents. It is, therefore, prayed that the applicant/accused may kindly be released on bail, till the disposal of the case in the interest of justice.

3. Learned APP argued that the allegations against the applicant are serious in nature and the present applicant was very aware of the offence committed by him alongwith co-accused. There are likelihood of tempering with the witnesses and evidence if the applicant is released on bail. That there are other FIR pending against the applicant and he is a habitual offender. Accordingly, replying upon the reply, Ld. APP prayed for the dismissal of the bail application.

4. Heard both the parties and gone through the case file very carefully, this Court is of the considered view that the charges levelled against the applicant are under Sections 451, 323 and 506 IPC. Second part of Section 451 of IPC is punishable upto 7 years. Whether the accused has any role to play in the alleged crime or not is subject matter of evidence. It is clear that there is one another FIR pending against the accused/applicant which is FIR no. 366 dated 12.11.2019, it appears that the applicant is an habitual offender.

5. Qua the accused/applicant, the matter is at the stage of investigation. Hence, this Court is of the considered view that, at this stage, accused

Rahul does not deserves to be released on bail as he temper with the evidence. Hence, without commenting on the merits of the case, the bail application of the accused/applicant Rahul is hereby dismissed in the interest of justice. Paper be tagged with the main case file.

Announced in open Court.
Dated : 03.10.2022

(Dr. Kopal Chaudhary)
Judicial Magistrate First Class,
Rewari.

Ritu S.G.III