

**BAIL APPLICATION U/S 439 CR.PC (REGULAR BAIL) OF
APPLICANT/ACCUSED AMIT @ BALLU**

BAIL REGISTRATION NO : 3594/2022

FIR No : 1072/2022

U/S : 394/397/451/506/411/34 IPC & 25 Arms Act

PS : AMAN VIHAR

STATE Vs: AMIT @ BALLU

10.01.2023

Present: Shri V.K. Negi, Ld. Addl. PP for the State.
Sh. A.K. Malik, Ld. Counsel for the applicant/accused.
Parents of the applicant/accused in person.
IO/SI Gurdeep Singh in person with case file.

By way of this application u/s 439 Cr.P.C, regular bail has been sought by the applicant/accused namely **Amit @ Ballu**.

Reply to the bail application has been filed by IO concerned. The same is kept on record. Copy supplied. As per the reply of the IO, investigation has already been completed and the charge sheet of the said case has been prepared and the same has been sent to prosecution for scrutiny.

Allegations in the present case are that on 16.11.2022, at around 8.30 pm, Rajesh @ Nishant and his other two companions Amit @ Ballu and Rohit @ Monu entered inside the house of the complainant. After entering the house Rajesh @ Nishant took out a knife and put it on his neck and asked him give them fifteen thousand rupees otherwise they kill him. When the complainant objected the same, these three persons started kicking and punching him. After that complainant got scared and took out four thousand rupees from his pocket and gave it to them. Thereafter, all accused persons started staying that they are the men of

Tappan Gang and he has to pay fifteen thousand rupees every month and they will come again to collect the remaining money, if the complainant tell anyone, they will kill him. After that all accused persons left from there on black colored motorcycle. Complainant also stated that these persons have taken money from him by threatening once or twice in the last 6/7 months and on the statement of the complainant, a case registered under Section 394/397/451/506/411/34 IPC & 25 Arms Act against the present accused.

Submissions on behalf of the accused:

It is submitted by the Ld. Counsel for accused that accused has been falsely implicated in the instant matter as he has no concerned with the alleged incident. It is further submitted that the investigation has already been completed and accused is a young boy aged about 20 years. There is money dispute between the complainant and co-accused i.e. Rohit @ Monu and the present accused went alongwith the co-accused to the house of the complainant. It is further submitted that the accused is found involved in only one case under Arms Act. It is further submitted that accused is running in JC since 18.11.2022, which is clear indication of the fact that he is no more required for further custodial interrogation. Hence, no purpose would be served to keep the accused behind the bar and therefore, the bail should be granted to him.

Submissions of Ld. Addl. PP for the State assisted by IO:

Per contra, bail application is vehemently opposed by the IO on the ground that the accused has previously involved in other criminal case and if the bail be granted to the accused, he can induce or threat any person acquainted with the facts of the case. Accordingly, bail should not be granted to the accused.

Findings:

Considering the fact that the accused is of young age & is running in JC since 18.11.2022 and also the fact that the investigation has already been completed in the present matter. **Accordingly, accused Amit @ Ballu is admitted to bail on furnishing the personal bond and the surety bond of Rs. 25,000/- to the satisfaction of Ld. MM/Ld. Duty MM, subject to the following conditions :-**

- (1) Applicant/accused shall found involved in any another criminal case in future, his bail may be cancelled.**
- (2) Applicant/accused shall not leave the country without permission from the court concerned.**
- (3) Applicant/accused shall not threaten or contact the complainant and shall not tamper with the evidence in any manner.**
- (4) Applicant/accused is directed to furnish his address, mobile number, in case of change of address and mobile number.**

It is clarified that nothing mentioned herein shall tantamount to expression of opinion on the merits of the case.

With these observations, bail application stands disposed of.

(JITENDRA SINGH)
ASJ (Electricity)/(N-W)
Rohini Courts, Delhi
10.01.2023