

FIR No: 230/21
U/s :356/379/34 IPC
PS:-Dwarka South
State Vs.Aashish @ Golu, S/o Sh. Rajesh

02.08.2021

The hearing of the application was conducted from my residence through Video Conferencing Via CISCO WEBEX meeting, vide Office Order No. 438/RG/DHC/2021 dated 22.07.2021 of Hon'ble High Court of Delhi.

This is the 2nd bail application for grant of bail under section 437 CrP.C. on behalf of the applicant/accused Aashish @ Golu, S/o Sh Rajesh, R/o H No. L-13, Rajiv Nagar Extension, Begumpur, Delhi, received on official Email Id of this court. Reply to the said application also received on official Email Id.

Present: Ld. APP for the state.

Sh. Sameer Goel, Ld Counsel for the applicant/accused.

IO/SI Suresh Kumar present through VC.

1. This order shall dispose of 2nd bail application under section 437 of the Cr.P.C. filed by the **applicant/accused Aashish @ Golu, S/o Sh Rajesh** for seeking the regular bail. It is submitted in the application that the accused has been falsely implicated in the present case. It is also submitted that investigation is complete qua the accused/applicant and chargesheet has been filed in the present case.

2. Ld. APP has strongly opposed the bail application. Reply by the IO also received on the official Email- ID of this court.

3. Heard. Record perused.

4. The Hon'ble Supreme Court in **Prasanta Kumar Sarkar v. Ashis Chatterjee and Another (2010) 14 SCC 496**, has laid down the following principles to be kept in mind, while deciding application for bail:

(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.

5. In the present case, the investigation is complete qua the accused/applicant **Aashish @ Golu, S/o Sh Rajesh** and chargesheet has also been filed in the present case. Also, the applicant/accused is in custody since 27.05.2021 and no useful purpose would be served to curtail his liberty. Also, conclusion of trial may take long time and it is trite proposition of law that pre-trial detention should be minimal. **In Sanjay Chandra v. Central Bureau of Investigation 2012 1 SCC 40**, the

Hon'ble Supreme Court has held that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it can be required to ensure that an accused person will stand his trial when called upon. Moreover, it is well settled principle of criminal jurisprudence that generally rule is bail and not jail.

6. Therefore, keeping in view the entire facts & circumstances and prevailing pandemic of COVID-19 in the Country, **this Court deems it fit to grant bail to the applicant/accused Aashish @ Golu, S/o Sh Rajesh in present FIR upon furnishing personal and surety bond to the tune of Rs. 15,000/-**. The accused is also directed not to directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him from disclosing such facts to the Court or tamper with the evidence and shall not commit similar offence in future and shall face the trial regularly. In case of breach of any conditions mentioned above, the IO is at liberty to move appropriate application for cancellation of bail of the applicant/accused. The present 2nd **bail application stands disposed off** accordingly.

7. Nothing stated herein shall tantamount to expressing any opinion on the merits of the case.

8. Copy of order also be sent through Email/Whatsapp to the Ld Counsel for accused as well as to the Jail

Superintendent concerned for information and compliance.

Announced
02.08.2021

(Anuj Bahal)
MM-04/Dwarka Courts/New Delhi
02.08.2021.