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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 1066/2020**

LOKESH SHARMA

..... Petitioner

Through Mr. Abhay Kumar, Advocate.

versus

STATE

..... Respondent

Through Ms. Meenakshi Dahiya, APP.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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16.07.2020

(Video Conference Hearing)

The subject incident took place during the course of birthday celebrations. For the incident cross cases were registered, one being FIR No.1195/2015 under Sections 302/308/324/325/34 IPC and the other being FIR No.1196/2015 under Sections 323/308/34 IPC. As for the role of the applicant and the other co-accused , the status report filed by the prosecution records as under:-

“3. During the course further of investigation, accused Lokesh Sharma, and Vivek Sharma were arrested on 09/09/2015 and co-accused Chanderbhan @ Bunty was arrested on 10/09/2015 in the present case. On the MLC on Veerpal @ Rinku, injuries were opined to be simple in nature and on the MLC of Sanjay, nature of injury was opined as grievous. During the course of investigation and from the statement of the witnesses it was found that accused Chanderbhan @ Bunty had beaten the deceased with bamboo sticks, whereas Lokesh Sharma and

Vivek Sharma had beaten deceased Ramkhiladi, Sanjay and Veerpal @ Rinku with wooden planks and fist, kicks and blows. The wooden planks used by Lokesh Sharma and Vivek Sharma for the commission of offence were recovered at their instance separately and the Bamboo Danda used by Chanderbhan @ Bunti was also recovered at his instance.

4. After completion of investigation, Charge sheet was filed against Vivek Sharma, Lokesh Sharma and Chanderbhan @ Bunti U/s 302/308/325/324/34 IPC and the case is pending trial in the Hon'ble Court of Sh. Deepak Garg Ld. ASJ., Rohini Courts, Delhi. It is further submitted that Chander Bhan @ Bunti had committed suicide in Jail No.3 on dated 29/08/2019. During the course of trial, 29 out of 40 Prosecution Witnesses have been examined and the trial is on the verge of completion. During trial, Sanjay Kumar (Son of deceased) examined as PW-6, Ms. Anjali (daughter of the deceased) examined as PW-7, Smt. Nirmala W/o Sanjay examined as PW-10 and Veerpal @ Rinku (Son of the deceased) examined as PW-23 have supported the prosecution and each of them has categorically stated that accused Lokesh, Vivek and Chanderbhan had beaten him, his brother Veerpal, his father Ramkhiladi with bamboo Stick and wooden planks, fist and blows and caused injuries to Sh. Ramkhiladi and both his sons. Later Sh. Ramkhiladi succumbed to those injuries. The witnesses have also correctly identified the wooden planks and bamboo stick used by the accused persons."

All the public witnesses are said to have been examined. As per the nominal roll of the applicant, the conduct of the applicant is said to be satisfactory and nothing comes to be pointed out for the applicant having misused the liberty of interim bail granted on diverse occasions. Applicant is also not shown to have any criminal antecedents.

Taking into account the totality of facts and circumstances of the case and the prevailing conditions on account of Covid-19 pandemic, the

applicant is admitted to bail on his executing a personal bond in the sum of Rs.50,000/- to the satisfaction of Jail Superintendant and furnishing a surety of the same amount to the satisfaction of the concerned Magistrate/Trial Court within 07 days of the resumption of regular functioning of the Court.

Application stands disposed of accordingly.

A. K. CHAWLA, J

JULY 16, 2020

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