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

+ **BAIL APPLN. 1418/2020 and CRL.M.A. 8233/2020, 8234/2020**

RAHUL @ KARAN

..... Petitioner

Through: Mr. Nitin Sehgal, Advocate. (M:
9811172445)

versus

THE STATE

..... Respondent

Through: Mr. Raghuvinder Verma, APP with
SI Anil Kumar, PS Aman Vihar.

8 WITH

+ **BAIL APPLN. 2125/2020 and CRL.M.A. 10711/2020**

SANJAY

..... Applicant

Through: Mrs. Abhilasha Shrawat & Mr. Rahul
Sharma, Advocates (M: 9540005499).

versus

STATE (GOVT OF NCT DELHI)

..... Respondent

Through: Mr. Raghuvinder Verma, APP with SI
Anil Kumar, PS Aman Vihar.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **18.09.2020**

1. This hearing has been held through video conferencing.
2. These petitions have been filed by two Petitioners – Rahul@Karan and Sanjay, both of whom were arrested in FIR 1240/2018 at PS Aman Vihar. The FIR has been registered under Sections 302/307/34 of IPC.
3. Insofar as Rahul@Karan is concerned, interim bail is being sought on

the ground that he is only 23/24 years of age and that he has two minor sisters and aged parents. Mr. Sehgal, Id. counsel submits that this is the first case where the Petitioner has been booked under Section 302 of IPC and that in the earlier FIR No. 864/2015, the Petitioner has already been acquitted. It is further submitted by Mr. Sehgal, while the date of the alleged incident was 13th December, 2018, the Petitioner was only arrested on 9th January, 2019. Considering his age and the fact that he has to take care of his family, Id. counsel prays that interim bail may be granted to the Petitioner for 45 days.

4. In so far as Sanjay is concerned, regular bail is being sought. Ms. Shrawat, Id. counsel vehemently submits that in the statement of Sachin (PW3), he has clearly admitted that the Applicant - Sanjay did not have any role and that Sachin and deceased (Anuj) had actually left the premises of Sanjay. Id. counsel submits that Sanjay was, in fact, trying to resolve the dispute between the parties and thus he has been wrongly arrested and that in any case bail ought to be granted.

5. Mr. Verma, Id. APP has taken the Court through the allegations in the charge sheet and vehemently opposes the bail, on the ground that one person i.e. the young boy Anuj has already passed away and the second boy Sachin barely managed to escape from the clutches of the group of boys who had attacked them with knives.

6. A perusal of the charge sheet shows that there are various serious allegations against a number of boys namely, Rahul, Arjun, Suresh@Kunal, Bobby@Ajay, Sanjay Sansi, Amit Negi, Sonu, Rishi, Bunty, Pawan, Ali and Vickky. Out of these, two of the boys are minors and their cases are being adjudicated in the Juvenile Court, two of the accused are absconding and

have been declared as proclaimed offenders and the all the others are in custody. After looking at the allegations and the fact that the victim received several stab wounds as per the MLC of the deceased and the nature of the injuries which were caused, this Court is not inclined to grant bail to either of these Petitioners. Moreover, in the case of Sanjay, there are more than 50 other cases, which are pending and as per the nominal roll/status report, in several of these cases, he is still in judicial custody. In view of these allegations, no grounds are made out for grant of bail.

7. The petitions are accordingly dismissed. All pending applications are also disposed of.

PRATHIBA M. SINGH, J.

SEPTEMBER 18, 2020

MR/A