



\$~

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

%

Reserved on: 05.03.2024**Pronounced on: 12.03.2024**+ **BAIL APPN.2883/2023**

PRADEEP @ TINKLE

..... Petitioner

Through: Mr. Ravindra Narayan,
Advocate

versus

STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Manoj Pant, APP for the
State with Inspector Muneesh
Kumar, P.S. Ambedkar Nagar.**CORAM:****HON'BLE MS. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****SWARANA KANTA SHARMA, J.**

1. The present application under Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C'), has been filed on behalf of the applicant/accused seeking grant of regular bail in case arising out of FIR bearing No. 609/2016 registered at Police Station Ambedkar Nagar, Delhi for offence punishable under Sections 302/34 of the Indian Penal Code, 1860 ('IPC').

2. Briefly stated, it is the case of the prosecution that on 19.10.2016, a complaint was filed by the complainant wherein it was alleged that at about 4:15 PM, the complainant had heard some



disturbing noise from the vicinity and upon seeing, he had discovered that his younger brother/victim/deceased, aged about 24 years at the time of incident, had been caught hold by two of the accused persons and other two accused persons carrying knives had stabbed his younger brother. It is further alleged that upon seeing the same, the complainant had rushed to help his younger brother and upon seeing the complainant, four of the accused persons had absconded leaving a knife in his younger brother's stomach. Thereafter, the complainant had taken his younger brother to the hospital where his medical examination had been conducted wherein it had been observed by the doctor that the victim had been brought to the hospital unconscious, unresponsive with multiple stab wounds and a knife stabbed in the abdomen. The nature of injury was opined to be dangerous, and later, the victim was declared dead. On these allegations, the present FIR had been registered.

3. Learned counsel appearing on behalf of the applicant/accused argues that the investigation in the present case has already been completed and the chargesheet stands filed. It is argued that the present applicant/accused was granted interim bail on 08.05.2018 for a period of five days to participate in the wedding of his brother and the applicant had surrendered on time, and thereafter, the applicant was again released on bail as per the HPC guidelines and he had then surrendered on 07.04.2023 and since then, the applicant/accused is in judicial custody. It is further stated that the applicant belongs to a poor strata of society and has to take care of his wife and family, and



he is ready to abide by any stringent condition imposed by this Court. Therefore, it is prayed that the present applicant/accused be enlarged on regular bail.

4. *Per contra*, learned APP for State opposes the present bail application and argues that the allegations in the present case are serious in nature. It is argued that the eyewitness has identified the applicant before the learned Trial Court and the case is at the stage of prosecution evidence. It is prayed that since there is a likelihood that the present applicant can influence the remaining witnesses, the present bail application be rejected.

5. This Court has heard arguments addressed on behalf of both the parties and has perused the material placed on record.

6. The case of prosecution, in a nutshell, is that on 19.10.2016, two of the accused persons namely Subhash and Sunny had caught hold of the victim i.e. younger brother of the complainant, and the present applicant Pradeep and co-accused Ashish had stabbed him in his abdomen with knives, in broad daylight. Thereafter, they had fled the spot, leaving a knife behind in the stomach of the victim.

7. This Court notes that the role of the present applicant is serious in nature, as he had stabbed the victim multiple times on his abdomen and had left the knife in his stomach. Thereafter, all the accused had run away from the spot. Furthermore, it was the present applicant who had disclosed the identity of other two accused persons, who had thereafter been apprehended by the police officials. As per post-mortem report, the cause of death of the victim/deceased was opined



as '*shock due to hemorrhage consequent to stab injury to thorax and abdomen caused by sharp edged pointed weapon*', and that the injuries caused to him, both individually and collectively, were sufficient to cause death in an ordinary course of nature. The eye witness in the present case and other material witnesses have supported the case of the prosecution before the learned Trial Court.

8. Further, as per the status report filed by the State, the applicant has four brothers and that his wife is also residing in the same house. Therefore, the argument that the applicant has to take care of his family is without merit as there are other family members in his family who can look after his wife and other family members. The trial of the case is at crucial stage and prosecution witnesses are being examined.

9. Considering the aforesaid facts and circumstances of the case, gravity of the offence and the material against the applicant, no ground for grant of regular bail is made out at this stage.

10. Accordingly, the present bail application for grant of regular bail stands dismissed.

11. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

12. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MARCH 12, 2024/zp