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

+ **BAIL APPLN. 4191/2024 & CRL. MA 34468/2024**

JAI PRAKASH @ SUNNYPetitioner

Through: Mr. Aditya Bharat and Mr. Kalash
Pandey, Advocates.

versus

THE STATE GOVT. OF NCT OF DELHIRespondent

Through: Mr. Aman Usman, APP for State with
Inspector Neeraj Kumar PS Anand
Parbat, Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

19.11.2024

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1. By way of present application, the petitioner/applicant seeks regular bail in FIR No.482/2015 registered under Sections 302/307/34 IPC at PS Anand Parbat, Delhi.
2. Notably, the applicant's earlier bail application, Bail Appln. No.1612/2024 came to be listed on 02.09.2024, where after arguments, the learned counsel for the applicant had withdrawn the said bail application with the request that the Trial Court be directed to expedite the trial.
3. Today, learned counsel for the applicant submits that the earlier counsel had no instructions to seek withdrawal. This submission is controverted by learned APP for the State, who submits that detailed submissions were heard, whereafter the learned counsel for the applicant appearing on that date, withdrew the bail application.
4. Be that as it may, the Court has proceeded to hear the arguments afresh in the present bail application.



5. Learned counsel for the applicant submits that he has nothing more to argue other than the fact that the co-accused has already been released on regular bail and that the applicant has been in custody for over eight years.

6. Learned APP for the State, on the other hand, while disputing the ground of parity submits that the bail application of the co-accused was considered as the role assigned to the said accused was limited to giving fist and kick blows whereas the present applicant is accused of inflicting knife blows not only to the deceased but also to the complainant, the mother of the deceased. Learned APP also produced the case file containing the statements of witnesses. He further states that there is an apprehension that if released on bail, the applicant may threaten the witnesses. Lastly, he submits that the trial is at its fag end.

7. I have heard learned counsel for the parties and gone through the statements of witnesses as well as the police file.

8. The complainant, mother of the deceased, has been examined as PW-1. She stated that the incident pertains to 16.07.2015 when at about 07:15 PM, she had given Rs.100 to her daughter to buy rice and milk from the grocery shop. While her daughter came back at 7.30 PM, she was injured and bleeding profusely. The injured was followed by the present applicant with a knife in his hand. On being asked, the applicant also inflicted knife blows on the complainant's left hand. The incident was witnessed by her neighbour *Bharti*, who was examined as PW-4. She deposed that on the day of the incident, she was at her home and upon hearing the screaming noise she went to the iron gate of her house and noticed that the injured who was residing in the neighbourhood was trying to close the door of her house from inside. Meanwhile, one person who was identified as present applicant,



pushed the gate, forcing it to open. The present applicant then grabbed the girl by her hair and dragged her outside. She witnessed that injuries were inflicted on the neck of the girl. The applicant was identified by the witness as the one who inflicted the knife injuries. The prosecution also examined one *Khushboo* and *Kamlesh*, the other neighbours, as PW-5 and PW-6, who were eye witnesses and supported the prosecution's case. The applicant has not only been identified by the aforesaid witnesses but has also been attributed with the role of inflicting fatal injuries on the deceased.

9. For all of the aforementioned reasons, I find no ground to entertain the present bail application and the same is accordingly dismissed, along with pending application.

MANOJ KUMAR OHRI, J

NOVEMBER 19, 2024/rd