

Sh. Pramod Kumar vs.state

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Court : Delhi

Decided On : Nov-13-2018

Appellant : Sh. Pramod Kumar

Respondent : State

Judgement :

\$~35 * IN THE HIGH COURT OF DELHI AT NEW DELHI % + SH. PRAMOD KUMAR BAIL APPLN. 2639/2018

... Petitioner

Judgment delivered on:

13. 11.2018 versus STATE Advocates who appeared in this case: For the

... Petitioner

: Respondent Mr. G.S. Chaturvedi and Mr. Surjeet Singh, Advs. For the Respondent : CORAM:-

"HONBLE MR JUSTICE SANJEEV SACHDEVA Mr. Hirein Sharma, Addl. PP for the State with SI Pankaj JUDGMENT1311.2018 SANJEEV SACHDEVA, J.

(ORAL) 1. The petitioner seeks regular bail in FIR No.27/2018 under Sections 392/3

of the IPC registered at Police Station Sarai Rohilla, Delhi. Subsequently, Sections 411/120-B of the IPC have been added. Status report has been filed and the same

is taken on record.

2. Allegations against the petitioner are that the complainant was BAIL APPLN. 2639/2018 Page 1 of 3 going in a small goods van when three persons on a motorcycle came in front of above said van and stopped it. It is contended that thereafter they started beating the complainant and made him sit on the motorcycle between two of them and third persons ran away with the goods van of the complainant carrying the goods. Later, the complainant raised noise and two accused persons were apprehended on the spot.

3. As per the prosecution, the petitioner is the one who has planned the whole thing and third persons had run away along with the goods van of the complainant.

4. The case of the prosecution is that two persons who were apprehended, initially named one Raju and subsequently when they were confronted with the CCTV footage, they changed their stand and admitted that it was the petitioner who was on the motorcycle.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that there is no recovery from the petitioner and there is nothing on record to connect the petitioner with the subject offence except the alleged disclosure statement of the co-accused. Learned counsel for the petitioner submits that the other three co-accused persons have been admitted to regular bail and the petitioner has been declined bail solely on the ground of his alleged involvement in the other case. He submits that the petitioner has already been admitted to bail in those cases and has been falsely BAIL APPLN. 2639/2018 Page 2 of 3 implicated even in them cases.

6. The petitioner has been in custody since 23.05.2018. Investigation is complete and chargesheet has been filed. The vehicle has already been recovered.

7. Apart from the alleged disclosure statement and the alleged CCTV footage which shows that the petitioner was sitting on the motorcycle, there is no other evidence to connect the petitioner with the other co-accused who have been admitted to bail.

8. Without commenting on the merits of the case and perusal of the record shows that the petitioner has made out a case for grant of regular bail.

9. Accordingly, on petitioner furnishing a bail bond in the sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of the concerned trial court, petitioner shall be released on bail, if not required in any other case.

... Petitioner

shall not do anything which may prejudice either the trial or the prosecution witnesses.

10. The petition is disposed of in the above terms.

11. Order Dasti under signatures of the Court Master. SANJEEV SACHDEVA, J
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