

State Vs Rahul John  
FIR No: 161/2016  
under Section 302 IPC r/w Section 25/27 Arms Act  
PS: Civil Lines

21.09.2020

Present: Ld. Addl. PP for State.  
Sh. Sachin Jain, Ld. LAC for accused/applicant.

Heard. Perused.

Sh. Sachin Jain Ld. LAC for accused/applicant submits that he is pressing an application filed on behalf of accused/applicant for grant of regular bail. It is further submitted that the application for grant of interim bail be disposed of as not pressed.

In view of aforesaid submissions made by Ld. LAC for accused/applicant, the application for grant of interim bail is hereby disposed of as not pressed.

Arguments on application seeking regular bail heard.  
Record perused.

Ld. Counsel for accused/applicant submits that accused/applicant was arrested on 17.06.2016 and he is in custody since then. Accused/applicant has been falsely implicated in this case and material witnesses have already been examined. Father of accused/applicant is aged about 70 years and is suffering from TB and hence, presence of accused/applicant is necessary as there is no other person in his family to look after old and ailing father.

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As per reply/report filed by SHO PS Civil Lines (filed earlier), accused/applicant is a B.C. of PS Civil Lines and is residing in the vicinity of material witnesses who are yet to be examined. Apart from this case, accused/applicant was involved in five other criminal cases registered in various PS of Delhi.

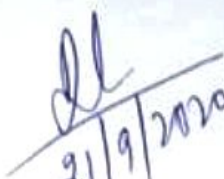
Ld. Addl. PP has strongly opposed the present bail application.

I have duly considered the rival submissions. I have perused the record carefully.

Perusal of record shows that accused/applicant along with co-accused persons had murdered one boy namely Sunil. Charge for offence punishable under Section 302/34 IPC has been framed against accused/applicant. Charge for offence punishable under Section 25 Arms Act has also been framed against accused/applicant. Statement of material witnesses was recorded by Ld. MM under Section 164 CrPC wherein the material witnesses/eye witnesses have supported the prosecution case. PW3 i.e. Dabbu in his examination in chief recorded in court supported the prosecution case.

Allegations against accused/applicant are of very serious nature. Accused/applicant is a B.C. of PS Civil Lines and was previously also involved in five other cases. Chances of tampering

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with the evidence/witnesses and fleeing away from the process of law cannot be ruled out at this stage. Father of accused/applicant is getting treatment for his aforesaid ailment on OPD basis. Earlier application filed on behalf of accused/applicant for grant of interim bail was dismissed by this Court vide order dated 14.07.2020.

Keeping in view the totality of facts and circumstances, I find no merits in the present application filed on behalf of accused/applicant for grant of regular bail. The same is hereby dismissed and disposed of accordingly.



(Deepak Dabas)  
ASJ/Special Judge, NDPS  
(Central) Tis Hazari Courts  
Delhi/21.09.2020