

FIR No.122/20

PS. Laxmi Nagar

Applicant: Mahender Singh

06.07.2020

Present: Ld. APP for the State (through video conferencing).
Ld. Counsel for accused/applicant Mahender Singh
(through video conferencing).

Vide this order, I shall dispose of the application moved by accused Mahender Singh, seeking interim bail.

In view of the order passed by Ld. District & Sessions Judge, East District, Karkardooma Courts, Delhi issued in wake of COVID-19 Pandemic, the interim bail application has been placed before the undersigned to be heard through Video Conferencing using CISCO WEBEX application.

Link was sent to the Ld. APP for the State and Ld. counsel for the applicant/accused for a conference call scheduled for 12.15 p.m. today.

Reply filed by the IO. Same is perused.

Arguments on the interim bail application heard on behalf of both the parties.

It is stated that accused is in JC since 15.03.2020 and he has been falsely implicated in the present case. It is further submitted that considering the prevailing situation on account of COVID-19 pandemic, the accused be granted interim bail in the present case.

The accused has relied upon guidelines of the High Court Powered Committee of the Hon'ble High Court of Delhi. It is further submitted that wife and infant child of applicant are suffering from ailments and hence lenient view be taken while considering the present interim bail application. It is further stated that accused is ready to abide by all terms and condition to be imposed upon him, if he is granted bail.

On the other hand, the application has been vehemently opposed by Ld. APP for the state stating that accused is a habitual offender and he is involved in other criminal cases and co-accused is yet to be arrested. He further stated that accused may tamper or hamper the evidence and jump the bail.

The court is mindful of the fact that as a general rule it is a bail not the jail which is the right of the accused. However, the right of the accused must be balanced with the general interest of the society and the fairness of investigation and the possibility of the witness tempering with the evidence. The apprehension of threat to witnesses and the possibility of the accused fleeing the process of law, are factors which cannot be ignored.

In the case in hand, the allegations against the applicant/accused are of grave and serious in nature wherein investigation is still pending and case property is yet to be recovered. Moreover, the other co-accused person is still to be arrested. Therefore, the possibility of accused fleeing from the process of law cannot be ruled out. Hence, I do not find any merit in the present application of the applicant/accused. Accordingly, the present bail application of the applicant/accused Mahender Singh is hereby **dismissed**.

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Application is disposed of accordingly.

Copy of this order be also sent to Ld. Counsel for applicant through
e-mail.

(RENU CHAUDHARY)
MM-04/East/KKD/Delhi/06.07.2020