

FIR No.107/20
PS. Laxmi Nagar
Applicant: Nitesh Kapoor
26.06.2020

Present: Ld. APP for the State (through video conferencing).
Sh. S. K. Gaur, Ld. Counsel for accused/applicant Nitesh Kapoor
(through video conferencing).

Vide this order, I shall dispose of the application moved by accused
Nitesh Kapoor, seeking 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
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 for a conference call scheduled for 12.00 noon today.

Reply filed by the IO. Same is perused.

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

It is submitted by Ld. Counsel for the accused that accused has been
falsely implicated in the present case and he is in JC since 25.02.2020. It is
further stated that investigation in the present case has been completed. It is
prayed that accused is the only bread earner of his family and that considering
the prevailing situation on account of COVID-19 pandemic, the accused be

granted bail in the present case as he 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 in similar nature. 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, accused was involved in other criminal activities of similar nature and that the allegations against the applicant/accused are grave and serious. There is every likelihood that the accused may temper with the prosecution's evidence if released on bail and 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 Nitesh Kapoor is hereby **dismissed**.

Application is disposed of accordingly.

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

Digitally signed
by RENU
CHAUDHARY
Date:
2020.06.26
14:03:35 +0530

(RENU CHAUDHARY)

MM-04/East/KKD/Delhi/26.06.2020