

FIR No.34613/19

PS Laxmi Nagar

Applicant: Yash Tyagi

05.08.2020

Present: Ld. APP for the State (through video conferencing).
Sh. Karanjeet Kumar, Ld. Counsel for accused/applicant Yash Tyagi (through video conferencing).

Vide this order, I shall dispose of the application moved by accused Yash Tyagi , seeking bail.

In view of the directions contained in the Office Order No. 26/DHC/2020 Dated 30.07.2020 of the Hon'ble High Court of Delhi, the present application is taken up for hearing through video conferencing.

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 is a young boy (aged 20 years) and that he has been falsely implicated in the present case and he is in JC since 29.07.2020. It is further stated that investigation has been completed and no recovery has been affected from the accused. It is further stated that accused has no previous involvement in any case and 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 investigation is at initial stage and recovery



has been affected from the accused directly. He further stated that as per the previous conviction report filed by the IO, he is involved in a case of PS Preet Vihar. 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 and the allegations against the applicant/accused are grave and serious. Moreover, the investigation is at initial stage, therefore, 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 Yash Tyagi hereby **dismissed**.

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/05.08.2020