

State vs. Nitesh Kapoor
PS Laxmi Nagar
FIR No. 107/2020
U/s 393 IPC

The signals/connection of Cisco WebEx (official application for taking up the cases through virtual hearing) is very poor today.

08.10.2020

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 and office order no. 5566-75/D&SJ (East)/KKD/Delhi dated 29.08.2020 of Ld. District & Sessions Judge, East, the abovesaid matter is taken up for hearing through video conferencing.

Present: Ld. APP for the State (through Video Conferencing)
Sh. Parmanand Jain, Id.counsel for the accused (through VC).

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

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 the accused is in Judicial Custody since 27.02.2020. Further, the accused has been falsely implicated in the present case. It is further stated that the investigation has been completed and the charge sheet has been filed in the present case. 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, it is submitted by Ld. APP for the state that the accused was caught at the spot while snatching the mobile phone of the complainant. The motorcycle used in the incident was also found to have

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been stolen in another FIR case of PS Jagatpuri. Accused is involved in other criminal activities of similar nature. It is further submitted that accused may threaten the complainant and that he may tamper or hamper the evidence and jump the bail. Hence, accused doesn't deserve 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 accused are grave & serious. Further the accused is involved in several criminal activities and is a habitual offender. Therefore, there is every likelihood that accused may tamper 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.

(RENU CHAUDHARY)
MM-04/East/KKD/Delhi/08.10.2020