

FIR No. 54/2017
PS Kotwali
State v. Raj Kishore
U/s 394/397/324/411/34 IPC

22.09.2020

ORDER

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused Raj Kishore in case FIR No. 54/2017.

Ld. counsel for accused-applicant contended that accused-applicant is in JC since 08.04.2017. That accused-applicant has been falsely implicated in the present case. That so far six witnesses including public witnesses have been examined. That the complainant who is residing in Germany is not coming forward and the prosecution has availed of several opportunities for examination of the complainant. That due to covid-19 pandemic situation, the conclusion of trial would take sufficient time. That co-accused Rizwan has already been granted regular bail.

Ld. Addl. PP, on the other hand submitted that the offence committed by the accused-applicant is of grave nature. That accused-applicant along with his co-accused robbed a foreign national i.e. a German citizen and also stabbed the complainant with knife multiple times on his face, neck and other parts of the body and also caused tooth bite on his index finger and left thigh. That the offence committed by the accused-applicant with a foreign national has tarnished the image of our country.

Heard.




The accused-applicant alongwith co-accused is alleged to have robbed one foreign national visiting Chandni Chowk area of the Capital, and the accused-applicant is alleged to have used knife in the commission of the robbery and also to have caused injuries with knife on the person of the foreign national on 07.04.2017 complainant Mr. Benjamin Janis, German citizen while the co-accused decamped with the jacket, mobile phone cash and other articles. The accused-applicant is arrested in this case on the next day i.e. 8.4.2017 and continues to be in JC since then. There are 17 witnesses cited and 9 have been examined till date. The prosecution evidence has been pending for sometime for the examination of the complainant. The complainant is a resident of Germany and in the prevailing covid situation, it can be expected that it would be difficult for the complainant to undertake the international travel for the purposes of his examination. The cycle rickshaw hired by the complainant for Red Fort bus stand Nagpal Dairy from Chandni Chowk, Metro Station has also been seized and is connected to the co-accused. The prosecution alleges certain recoveries effected at the instance of the of the accused-applicant to connect him to the incident.

In the totality of the facts and circumstances, taking into consideration that the accused-applicant is in custody since 07.04.2017 and matter is lingering for the examination of the complainant, a foreign national and as all other public witnesses except for the complainant a foreign national stand examined and as trial is likely to take some time to conclude and as the accused-applicant has clean antecedents, application is allowed and accused-applicant Raj Kishore is granted bail **subject to furnishing personal bond in the sum of Rs.50,000/- each with two sureties in the like amount** and subject to the condition that he

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shall mention his mobile phone number, which number it shall be ensured by the accused remains switched on mode throughout the period of interim bail with location activated and shared with the IO at all times. Moreover, once in 24 hours every day, accused-applicant through said mobile phone shall telephonically inform the IO about his whereabouts. That accused shall not threaten, intimidate witnesses or interfere with the course of justice or tamper with the evidence in any manner. That accused-applicant shall not leave the Delhi NCT without the prior permission of the Court. That accused-applicant shall mark his before SHO of Local Police Station of his area after every 15 days.

Application stands disposed of.


(Neelofar Abida Perveen)
ASJ (Central) THC/Delhi
22.09.2020