

IA No. 02/2024
SC No. 263/2023
State Vs. Nitin Kumar
FIR No. 01/2023
PS Gazipur
U/s 302/34 IPC

09.04.2024

File has been taken up today on an application moved under 439 Cr.P.C. seeking interim bail of the accused Nitin Kumar.

Present:- Sh. S.K. Tripathi, Ld. Addl. PP for the State.
Sh. R.K. Bhardwaj, Sh. Rahul Prashar and Sh.
Gulbahar Choudhary, Ld. Counsels for the accused.
IO/Inspector Yunus Javed in person.

Reply of the application has been filed.

Counsel for accused has submitted that no other bail application of the accused is pending either before the Hon'ble High Court of Delhi or before any other court; that the first cousin sister of the accused is going to be married and the marriage ceremonies are scheduled to take place between 17.04.2024 to 20.04.2024; that the accused is the only brother of his cousin sister and has to perform the rituals in her marriage; that it is necessary for the accused to attend the aforesaid ceremonies for performing the rituals; that the accused will abide by all the conditions if he is released on interim bail and therefore, the accused may be released on interim bail for attending the aforesaid marriage ceremony.

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Per contra, Ld. Addl. PP for the State argued that the alleged offence is serious in nature; that the marriage ceremony in question, is of the cousin sister of the accused and hence, the application may be dismissed.

Argument heard. Record perused.

During the course of the arguments, IO submitted that the younger brothers of the accused aged about 16 and 18 years are present in his family to perform the rituals in the marriage ceremony. However, counsel for the accused submitted they are aged about 16 and 13 years and are too young to perform the aforesaid rituals.

Admittedly, the younger brothers of the accused are available to perform the rituals in question and age is not a bar for performing the said rituals. Therefore, the accused has no important role to play in the said ceremony and his non attendance will not create any hindrance therein.

Therefore, considering the facts and circumstances, this court is not inclined to admit the accused Nitin Kumar on interim bail. Accordingly, the instant application stands dismissed.

Put up for purpose fixed on the date already fixed i.e. on 14.05.2024.

Copy of the order be given dasti.

(Subhash Kumar Mishra)
Additional Sessions Judge-03,
East, KKD Courts, Delhi
09.04.2024