

**IN THE COURT OF DISTRICT & SESSIONS JUDGE
Nehru Nagar Court, North Delhi**

CrI. Appli. 23 of 2019

Date: 05.10.2019

In the matter of:

Atul Tyagi

.....Applicant

v.

State (N.C.T. of Delhi)

.....Respondent

Coram:Sh. Rupesh Singh, Judge, Sessions Court

Present: Ms. Shelly Singh, Ld. Public Prosecutor for the State.
Mr. Yubaraj Chatterjee, Ld. Counsel for the Applicant.
I.O. Rakesh Kadam and father of the victim Harish Parikh.

Heard Ld. Counsel for the Applicant Mr. Yubaraj Chatterjee and Ld. Public Prosecutor Ms. Shelly Singh along with IO Rakesh Kadam.

Ld. Counsel for the applicant submits that FIR No. 140/19 has been registered in Model Town police station in which accused has been charged under sections 302/307/324/449 of Indian Penal Code of 1860 having committed the murder of one Rakha Parikh on 08.09.2019 - 09.09.2019 at around 2:15 to 2:40 AM i.e. midnight. Learned counsel for the applicant states that accused is the sole bread earner of the family with three members i.e. wife and two children, dependent on him. Though Ld. Counsel for the applicant could not produce the family register in the Court. Accused has already been sent to the fourteen days police custody thereafter he is sent to judicial custody.

In Contra, Ld. Public Prosecutor appearing on behalf of the police submits that the victim's father has seen the accused coming out of his house in night around 2:15 AM on the same date when offence is alleged to be committed. Police has failed to produce any satisfactory ground on which the bail should not be granted. However police is having a serious doubt

that the accused may abscond or may affect the witnesses related to this case.

On the basis of the submissions advanced by both the counsels, this court is of the opinion and relies on a settled rule that “*Bail Is A Rule And Jail Is An Exception*” and in the present case this court finds no exceptional circumstances to reject the bail and hereby the bail is granted to the accused in the FIR No. 140/19 on a condition that the accused shall furnish a personal bond of One Lakh Rupees and accused will make sure his daily presence in Model Town police station before SHO. Also the accused will not leave the city without the prior permission of this court and shall not meet and affect any witness related to this case directly or indirectly. Application is disposed off. Bail is granted. Copy of this order is given the parties and to the accused as well.



(Sh. Rupesh Singh)
Sessions Judge
Delhi: 05.10.2019