

State Vs. Suraj
FIR No. 57/20
U/s 147/148/149/380/427/457 IPC
PS Jyoti Nagar

21-07-2020.

Present: Sh. Uttam Dutt, Ld. APP for State. (Connected through CISCO Webex)
Ld. Counsel for accused/applicant
IO in person.

Vide this order, I shall dispose off the present bail application U/s 437 Cr.P.C. moved on behalf of the accused Suraj.

In the bail application, it has been submitted that accused has been falsely implicated in the present case. There is no evidence against the accused regarding commission of offence. Accused is a Driver by his profession and earning his livelihood by driving a school cab. Accused is in JC in the present case since 08-03-2020. Wife of the accused is suffering from various diseases. Investigation in the present matter has been completed. Chargesheet has been filed. Accused is ready to abide by any condition imposed by the court for grant of bail.

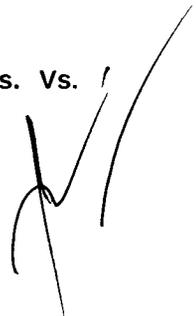
On the other hand, Ld. APP for the State has strongly opposed the bail application moved on behalf of the accused on the ground that the allegations against the accused are serious in nature. Accused is involved in other cases and was involved in Anti National Activities during the criminal riots. Accused may jump the bail if released on bail and may harass the witnesses/complainant and hamper the further investigation, if released at this stage.

Perusal of the reply filed by the IO reveals that present FIR was lodged U/s 147/148/149/380/427/457 IPC on DD entry dt. 25-02-2020 regarding a PCR call was received as the Mob had robbed certain shops at near 20 foota and 25 foota Road, Meet Nagar, Delhi. During investigation in the present FIR, accused Suraj was arrested on 09-03-2020 on the basis of disclosure of co-accused persons and statement of public witnesses. As per the report filed, accused has been identified by the public witnesses and was also seen in CCTV Footage recovered from the spot. Accused is stated to be involved in Anti National Activities which tarnished the image of the country and hence the present bail application is strongly opposed by the IO.

Submission heard. Record perused.

Hon'ble Supreme Court in case titled as Sanjay Chandra and Ors. Vs.

- 1 -

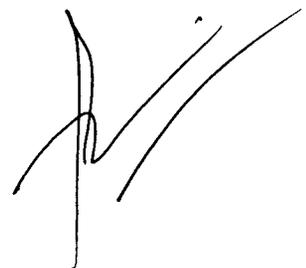


Central bureau of Investigation dated 23-11-2011 wherein the following observations have been made:

The basic rule may perhaps be tersely put as bail, no jail, except where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like, by the petitioner who seeks enlargement on bail from the Court. We do not intend to be exhaustive but only illustrative.

In other non-bailable cases the Court will exercise its judicial discretions in favour of granting bail subject to subsection (3) of Section 437 Cr.P.C. if it deems necessary to act under it. Unless exceptional circumstances are brought to the notice of the Court which may defeat proper investigation and fair trial, the Court will not decline to grant bail to a person who is not accused of an offence punishable with death or imprisonment for life.

A balance is required to be maintained between the personal liberty of the accused and the investigational right of the police to investigate the case. It has to dovetail two conflicting demands, namely on the one hand the requirements of the society for being shielded from the hazards on being exposed to the misadventures of a person alleged to have committed a crime; and on the other, the fundamental canon of criminal jurisprudence viz. the presumption of innocence of an accused till he found guilty. The law of bail like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have



committed a crime and presumption of innocence in favour of the alleged criminal. An accused is not detained in custody with the object of punishing him on the assumption of his guilt.

Further, in terms of the guidelines as laid down in **Hasan Aziz Irani @ Jafrey Vs. The State of Maharashtra in Criminal Bail Application No. 1822 of 2019**, it has been mentioned that antecedents of accused by itself would not be a ground to reject his application for bail.

Thus keeping in view the aforesaid submissions as well as the fact that charge-sheet in the present case has already been filed U/s 147/148/149/380/427/457 IPC. All the offences are Magistrate triable offences. Investigation is completed qua the accused. Custodial interrogation of accused is no more required. Chargesheet has already been filed. As per submission of IO, no recovery has been effected from the accused.

Further due to spread of COVID-19 pandemic commencement of trial may take long time and accordingly, no purpose would be served by keeping the accused behind bars during pendency of the investigation/trial in the present case. Hence, accused Suraj is hereby admitted on bail on furnishing of bail bond in the sum of Rs. 25,000/- and one local surety of like amount on the following conditions.

1. Accused shall not tamper with the investigation and threaten the prosecution witnesses.
2. Accused shall attend the court on each and every date of hearing.
3. Accused shall mark his presence before the concerned SHO on the last day of every month and shall give his contact details to the concerned SHO/IO.

With these observations, the bail application stands disposed off.

Copy of this order be sent to the concerned Jail Superintendent for intimation and necessary action and be given dasti to Ld. Counsel for the accused as requested as well as to the IO.

(Fahad Uddin)

MM-04/SHD/Delhi/21-07-2020

Handwritten notes:
D/16/6/1/18
Fahad Uddin
SU 25/6
dt 24/7/20

State Vs. Suraj
FIR No. 81/20
U/s 147/148/149/427/380/457 IPC
PS Jyoti Nagar

21-07-2020.

Present: Sh. Uttam Dutt, Ld. APP for State. (Connected through CISCO Webex)
Sh. Uma Shanker Gautam, Ld. Counsel for accused/applicant
IO in person.

Vide this order, I shall dispose off the present bail application U/s 437 Cr.P.C. moved on behalf of the accused Suraj.

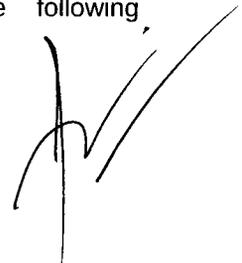
In the bail application, it has been submitted that accused has been falsely implicated in the present case. There is no evidence against the accused regarding commission of offence. Accused is a Driver by his profession and earning his livelihood by driving a school cab. Wife of the accused is suffering from various diseases. Investigation in the present matter has been completed. Chargesheet has been filed. Accused is ready to abide by any condition imposed by the court for grant of bail.

On the other hand, Ld. APP for the State has strongly opposed the bail application moved on behalf of the accused on the ground that the allegations against the accused are serious in nature. Accused is involved in other cases and was involved in Anti National Activities during the criminal riots. Accused may jump the bail if released on bail and may harass the witnesses/complainant and hamper the further investigation, if released at this stage.

Perusal of the reply filed by the IO reveals that present FIR No. 81/20 U/s 147/148/149/427/380/457 IPC was registered on the statement of Smt. Mirza wherein she alleged that on 25-02-2020 a Mob entered in her house and ransacked all the house. During the investigation, accused Suraj was arrested on 09-03-2020 on the basis of disclosure of co-accused and statement of public witnesses. As per the report filed, accused has been identified by the public witnesses and was also seen in CCTV Footage recovered from the spot. Accused is stated to be involved in Anti National Activities which tarnished the image of the country and hence the present bail application is strongly opposed by the IO.

Submission heard. Record perused.

Hon'ble Supreme Court in case titled as Sanjay Chandra and Ors. Vs. Central bureau of Investigation dated 23-11-2011 wherein the following



observations have been made:

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A balance is required to be maintained between the personal liberty of the accused and the investigational right of the police to investigate the case. It has to dovetail two conflicting demands, namely on the one hand the requirements of the society for being shielded from the hazards on being exposed to the misadventures of a person alleged to have committed a crime; and on the other, the fundamental canon of criminal jurisprudence viz. the presumption of innocence of an accused till he found guilty. The law of bail like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime and presumption of innocence



infavour of the alleged criminal. An accused is not detained in custody with the object of punishing him on the assumption of his guilt.

Further, in terms of the guidelines as laid down in **Hasan Aziz Irani @ Jafrey Vs. The State of Maharashtra in Criminal Bail Application No. 1822 of 2019**, it has been mentioned that antecedents of accused by itself would not be a ground to reject his application for bail.

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With these observations, the bail application stands disposed off.

Copy of this order be sent to the concerned Jail Superintendent for intimation and necessary action and be given dasti to Ld. Counsel for the accused as requested as well as to the IO.

(Fahad Uddin)

MM-04/SHD/Delhi/21-07-2020

Sam Sub
dt 21/7/20

Suraj
D/26/18

FIR No. 116/20

U/s 143/144/145/147/148/149/307/188 IPC & 25/27 Arms Act

PS Welcome

State Vs. Zahid

21-07-2020

File taken up on application moved by Ld. Counsel for accused for supply of copy of chargesheet with e-challan.

Present: Ld. APP for State.

Ct. Sunny, Naib Court on behalf of IO.

Ld. Counsel for accused Shoaib.

Application has been moved by Ld. Counsel for the accused to provide copy of chargesheet with e-challan in the present FIR as accused stated to be in JC and he cannot appear in person due to spread of COVID-19 pandemic for receiving copy of chargesheet in the present case.

Ct. Sunny, Naib Court has supplied copy of chargesheet with e-challan to Ld. Counsel for the accused in the present case against due acknowledgement.

No further action is required.

Accordingly, the application stand disposed off.

9. received copy of chargesheet
alongwith e-challan.



21-07-2020

D-68A/96

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(Fahad Uddin)

MM-04(Shahdara)/KKD/Delhi

21-07-2020

FIR No. 143/20

U/s 143/144/147/148/149/307 & 25/27/54/59 Arms Act

PS Welcome

State Vs. Imran @ Cheera & Ors.

21-07-2020

File taken up on application moved by Ld. Counsel for accused for supply of copy of chargesheet with e-challan.

Present: Ld. APP for State.

Ct. Sunny, Naib Court on behalf of IO.

Ld. Counsel for accused Shoaib.

Application has been moved by Ld. Counsel for the accused to provide copy of chargesheet with e-challan in the present FIR as accused stated to be in JC and he cannot appear in person due to spread of COVID-19 pandemic for receiving copy of chargesheet in the present case.

Ct. Sunny, Naib Court has supplied copy of chargesheet with e-challan to Ld. Counsel for the accused in the present case against due acknowledgement.

No further action is required.

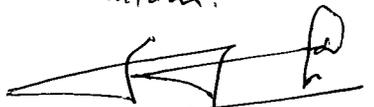
Accordingly, the application stand disposed off.

(Fahad Uddin)

MM-04(Shahdara)/KKD/Delhi

21-07-2020

I, received chargesheet along with e-challan.


21-07-2020

D-68A/96

9268355366

FIR No. 142/20

U/s 143/147/149/186/353/332 IPC

PS Welcome

State Vs. Imran @ Cheera & Ors.

21-07-2020

File taken up on application moved by Ld. Counsel for accused for supply of copy of chargesheet.

Present: Ld. APP for State.

Ct. Sunny, Naib Court on behalf of IO.

Ld. Counsel for accused Shoaib.

Application has been moved by Ld. Counsel for the accused to provide copy of chargesheet in the present FIR as accused stated to be in JC and he cannot appear in person due to spread of COVID-19 pandemic for receiving copy of chargesheet in the present case.

Ct. Sunny, Naib Court has supplied copy of chargesheet to Ld. Counsel for the accused in the present case against due acknowledgement.

No further action is required.

Accordingly, the application stand disposed off.

(Fahad Uddin)

MM-04(Shahdara)/KKD/Delhi

21-07-2020

I, received copy of Charge sheet along with Sh. Chattam. Sh.

[Signature]
21-07-2020

D-68-A/96

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