

SC No.:31/18
FIR No.221/16
PS. Civil Lines
State Vs Sabab Ali & others

22/05/2018

Present:Sh. Pawan Kumar, Ld. Addl.PP for the State.

Sh. Y.K.Gautam, Id. Counsel for accused **Sakib** and **Shabab** alongwith accused on bail.

Sh. Fakruddin, Id. Counsel for accused **Furkan @ Nadeem** alongwith accused produced from JC.

Statement of PW4 has been recorded. He has been examined, cross examined and discharged.

As per record, bail application of accused Furkan @ Nadeem is pending.

It is submitted on behalf of the accused that he has been falsely implicated in this case; he is in JC since 05/04/2017; he has been arrested merely on the basis of disclosure statement of other accused persons; no recovery has been effected from the accused; charge against the accused is u/s 397 IPC alongwith other sections; there is no recovery of weapon of offence from any of the accused persons; it is further stated that mother of applicant / accused is not well. Therefore, he may be released on bail.

Ld. Addl. PP on the other hand has strongly opposed the bail alleging that accused has been identified in TIP. It is further stated that initially the accused was absconding and was arrested later on. That earlier bail application of accused has been dismissed on 12/03/18. It is further reflected from the record that accused is having previous criminal antecedents of similar nature. Ld. Counsel has failed to apprise the change of circumstances. It is prayed

Contd...

:2:

accordingly.

Arguments heard. Record perused.

The perusal of the record reflects that the main witness is yet to be examined in this case. As per record, accused has been identified in TIP proceedings. It is further reflected that when FIR was registered against the accused persons, he was absconding initially and has been arrested later on, as per record, after much efforts of IO. Ld. Counsel has failed to apprise the change of circumstances except alleging that accused is in JC during this period.

Considering the circumstances, I am not inclined to grant the bail. Hence, the same is dismissed. Copy of order be given dasti.

Now to come up for remaining PE on **06/08/2018**.

(PRASHANT KUMAR)
ASJ/Delhi/22/05/2018