

State Vs. Sabab Ali & Ors.
SC No.31/2018
FIR No.221/2016
PS: Civil Lines
U/s: 392/397/411/34 IPC

15.09.2018

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

IO / SI Kunal Kishor in person.

Sh. Naval Kishore, Ld. Counsel for applicant /
accused Nadeem @ Furkan.

Reply to the pending bail application qua
applicant / accused Nadeem @ Furkan along with previous
criminal record has been filed by the IO. Same is perused.

Ld. Counsel has submitted that this is the third bail
application of applicant / accused Nadeem @ Furkan; he has
been falsely implicated in the present case; he is in judicial
custody since 15.04.2017; no recovery has been effected from
the possession of applicant / accused; he has been arrested
merely on the basis of disclosure statement of co-accused
persons; statement of the complainant is contradictory. It is
further submitted that applicant / accused Nadeem @ Furkan
is having permanent address; he is having mother, aged about
60 years who is sick, elder brother who is mentally challenged
and one younger sister in his family; applicant / accused is the

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sole bread earner of his family, therefore, he may be enlarged on bail.

Per contra, Ld. Addl. PP for the State, assisted by the IO, has vehemently opposed the present bail application submitting that applicant / accused Nadeem @ Furkan has been identified in the TIP proceedings; process under Section 82/83 was issued against him and he was arrested thereafter; he is having previous criminal record; applicant / accused Nadeem @ Furkan is a habitual offender; the allegations leveled against him are serious and heinous in nature, therefore, he may not be enlarged on bail.

Arguments heard. Record perused.

It is a matter of record that co-accused persons are on bail, however, the role of applicant / accused Nadeem @ Furkan is different from them for the reason that he was absconding initially and evading his arrest and was later on arrested after proceedings under Section 82/83 Cr.PC were issued against him; he has been identified in the TIP proceedings; allegations against him are serious and heinous in nature; he is a habitual offender as he is having criminal

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antecedents. Considering all the facts and circumstances, I am not inclined to grant bail to applicant / accused Nadeem @ Furkan. Hence, the present bail application qua applicant / accused Nadeem @ Furkan is dismissed and disposed off accordingly. Copy of the order be given dasti to the Ld. Counsel for applicant / accused, as prayed for.

Put up on the date already fixed i.e. **25.09.2018.**

(PRASHANT KUMAR)
ASJ/Delhi/15.09.2018