

FIR No. : 666/16
PS : Sarai Rohilla
State v. Mohd. Kasim etc.

02.07.2019

Present: Sh.Wasi-Ur-Rehman, Addl. PP for the State.
Sh.Yatinder Kumar, LAC for accused-applicant
Gulam Mohamad.
Arguments heard. Put up for orders at 4:00 p.m.

(Neelofer Abida Perveen)
Addl. Sessions Judge : (Central)
Tis Hazari Courts, Delhi.02.07.2019

ORDER ON BAIL APPLICATION NO.251/19

An application for grant of bail u/s 439 Cr.P.C on behalf of applicant accused Gulam Mohamad has been moved in case FIR No.666/16, P.S.Sarai Rohilla.

Ld. Counsel for the accused-applicant submits that the accused has been falsely implicated in the commission of the present case for the reasons best known to the complainant. That all the co-accused person have already been released on bail. That all the public witnesses has been examined and the witnesses have not supported the prosecution case. Accused has a family consisting of his wife, 2 minor children, one of them is school going. There is nobody in the family who can take care of his two minor children and wife of the applicant

due to which the family of the applicant is at the verge of starvation. The applicant/accused is an innocent person and is daily wage labourer by profession and was only earning member of the family. The applicant / accused is having clean past antecedents. There is no chance of his absconding / fleeing from justice or to influence the witness or temper with the prosecution evidence. The applicant /accused is in Judicial custody since 29/10/2016. No fruitful purpose would be served by keeping the applicant / accused behind the bars amongst the hard core criminals. The applicant / accused undertakes to appear before this Hon'ble Court on each and every date and shall not misuse the liberty of bail, if granted to him.

Ld. Addl.PP on the other hand submits that the case of the accused-applicant is different from that of the co-accused granted bail as the charge u/s 397 IPC is against the present accused along with co-accused Mohd. Kasim.

Arguments heard. Record perused.

FIR No. 666/16 is registered on the statement of Farhena Irfat that she is a housewife living at H. No. 313/84-B, Sector-4, Gali No. 6, Tulsi Nagar, Inderlok, Delhi. On 28.10.2016 at around 7 pm, she was at her home and her husband had gone out to Sadar Bazar when Kehkashan, who lives on the first floor of the building came to show her a letter and suddenly four persons entered forcibly and taped the

mouth of Kehkashan and also put tape on her mouth. They were carrying guns and knives and were threatening to kill them. They removed the gold ornaments that she was wearing i.e. gold bangles, ring, earrings and also took away some Saudi Riyals, 2 lac rupees cash, silver anklets from the almirah and her iPhone-6S and ran downstairs with the safe (*tijori*). That she shut the door after them and from the balcony started shouting *chor-chor*. Her brother Ayaaz was present in the Gali who along with other public persons caught hold of two of the offenders and the other two managed to escape.

Of the robbers, who were apprehended at the spot, one was accused-applicant Gulam Mohd and the other was accused Mohd. Kasim. Countrymade pistols have also been recovered from both these accused apprehended at the spot. The case of the present applicant is on similar footing as that of co-accused Mohd. Kasim already granted bail, as charge u/s 397 IPC is against both these accused. It has also to be considered that the accused is in custody since 18.12.2016. Prosecution has examined 7 witnesses and has cited 26 witnesses. Trial is therefore likely to take sometime. Three of the co-accused are already on bail. In such facts and circumstances, **accused Gulam Mohamad is also admitted on bail upon furnishing personal bond in the sum of Rs.50,000/- with two sureties in the like amount** subject to conditions that he shall not threaten or intimidate the witnesses or tamper with the

evidence in any other manner and shall not delay the trial or interfere with the trial in any other manner and shall remain present on each and every date of hearing and that he shall not change his address or his mobile phone number without prior intimation to the IO concerned. The sureties shall also not change their mobile phone numbers or their address without prior intimation to the IO concerned. The accused and sureties shall mention their mobile phone numbers besides their addresses in the bonds.

The accused shall get his presence marked on every Sunday of the week, before SHO, PS Sarai Rohilla.

(Neelofer Abida Perveen)
Addl. Sessions Judge : (Central)
Tis Hazari Courts, Delhi.02.07.2019