

SC No.28277/16
FIR No.134/15
PS: Lahori Gate
State Vs Tahir Hussain & others

27/07/2017

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

Sh. Diwakar Chaudhary, Ld. LAC for accused Tahir Hussain alongwith accused produced from JC.

Sh. B.S. Chaudhary, Id. Counsel for accused Arif and Rizwan and also proxy counsel for accused Nazir.

IO is absent.

PW18 has been partly examined in chief and his further examination is deferred for want of case property.

PW Shadab is present. He is bound down for the next date of hearing. IO alongwith laptop be present on the next date of hearing.

An application seeking interim bail on behalf of accused Tahir Hussain is pending.

Ld. Counsel for accused has stated that the accused is having 5 children out of which 4 are out of school and they are forced to study in Madarsa at Barreilly, UP. It is further stated that accused needs to arrange fund for getting admission of his children in Sapient Academy, Talpure, Baheri, Barreilly for which he is required interim bail for 2 months. It is further stated that there is no elder male members in the family of the accused to look after his family.

Ld. Addl.PP on the other hand has strongly opposed the interim bail alleging that the accused has not furnished his permanent address and as per the report of the IO he and his family have been residing on rent at Barreilly UP and the address of

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Gurgaon which is disclosed by the accused is also stated to be on rent.

Arguments heard. Record perused.

At the outset it is mentioned that accused has not furnished as to how and in what manner he is going to arrange the fund for getting admission of his children in Sapient Academy, Talpure, Baheri, Barreily. In this regard it is stated by the accused that he is having some scrap material lying at his shop at Gurgaon which has to be sold for this purpose. Accused has stated that the said shop is however, again on rent. It is stated that after releasing on interim bail, he shall search for the buyers for the scrap material. Such a submissions made by the accused seems to be doubtful for the reason that the said shop was stated to be run by him before his arrest and it is lying closed, thereafter, till date and it is on rent as well. Accused has not explained as to whether the said shop, which is lying closed or open, is not certain, as on date is still on rent. Accused as per record has also not furnished as to when the admission of the children is going to take place in the above said school. As per report of the IO children of accused are studying in Madarsa Quardia Ansarul Uloom, Shahji Nagar, Baheri, Barreily which is free of cost. Further address of accused is also not stated to be permanent and his family stated to be residing on rented house for the last 5-7 years which is much prior to the registration of the present FIR against them.

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

List for PE on **04/08/2017**.

(PRASHANT KUMAR)
ASJ/Delhi/27/07/2017