

CNR No.DLCT01-018221-2021
SC No.466/2021
FIR No.30/2021
PS Daryaganj
U/s 364-A/377/419/347/120-B IPC & 25/27 Arms Act
State Vs. Swapnil & Ors.

29/01/2022

File taken up today on the bail application u/s. 439 Cr.P.C. of the accused Farmaan for grant of interim bail for the period of 15 days.

(Proceeding of the matter has been conducted through video conferencing in terms of circular No.1/RG/DHC/2022 dated 12/01/2022 of the Hon'ble High Court of Delhi.)

(Proceedings conveyed through Video Conferencing.)

Present: Sh. Gyan Prakash Ray, Ld. Addl. PP for the State (through V.C.).
None has joined the proceedings through V.C. on behalf of the accused Farmaan.

By way of present order, this Court shall disposed of interim bail application of the accused Farmaan.

Arguments have already been heard on the aforesaid interim bail application of the accused Farmaan. Perused the material available on record.

During the course of arguments on the aforesaid interim bail application, it was submitted by counsel for the accused Farmaan that the accused has been falsely implicated in the present case. It was further submitted that the accused has filed the present interim bail application on the ground that the grand-father of the accused has expired on 17/01/2022 at Village Bijwada, PS Binoli, District Baghpat, U.P. and the accused has not participated in the burial ceremony of his grand-father as he is in J/C in the present case. It was further submitted that last rituals of his grand-father will be held from 27/01/2022 to 10/02/2022 continuously and presence of the accused is required to attend the last rites/ rituals of his grand-father and interim bail for the period of 15 days be granted to the accused for attending the last rites/ rituals of his grand-father. It was further submitted that the accused shall be abide by all terms and conditions, if the

interim bail is granted to the accused and accused shall surrender after the interim bail period.

During the course of arguments, it was submitted by Addl. P.P. for the State that in the reply of the IO, it is mentioned that the grand-father of the accused has expired on 17/01/2022 and there are four sons and other family members of the deceased and as per the father of the accused, Quran Shareef is to be read by all members of the family and since there are other family members also to perform rituals and the Holy Book Quran Shareef can be read anywhere. It was further submitted that presence of the accused is not required for the same. It was further submitted that regular bail application of the accused Farmaan was dismissed by the Ld. ASJ-02 (Central), Tis Hazari Courts, Delhi vide order dated 08/06/2021. It was further submitted that in the present case, co-accused Vijay had also filed interim bail for the period of 15 days to perform rituals of his grand-father and the said application was dismissed by the Ld. ASJ (Central), Tis Hazari Courts, Delhi vide order dated 20/12/2021. It was further submitted that in the present case, FSL result is awaited and charge is yet to be framed and complainant/ victim/ public witnesses are yet to be examined. It was further submitted that the allegations against the accused are serious in nature and he can abscond, if the interim bail is granted to the accused. It was further submitted that interim bail has to be granted in exceptional circumstances and in the present interim bail application, the accused has not mentioned any exceptional circumstances and the present interim bail application of the accused Farmaan be dismissed.

By way of the present interim bail application, the accused Farmaan has prayed for interim bail for the period of 15 days for attending the last rites/ rituals of his grand-father. It is well settled law that interim bail has to be granted in a very exceptional and extraordinary circumstances warranting the immediate release of the accused to deal with any unforeseen contingency and interim bail cannot be granted in a mechanical manner. It is mentioned in the reply of IO/ Inspector Raj Kumar that the grand-father of the accused has expired on 17/01/2022 and there are four sons and other family members of the deceased and as per the father of the accused, Quran Shareef is to be read by all

members of the family and since there are other family members also to perform rituals and the Holy Book Quran Shareef can be read anywhere. Factum of death of grand-father of the accused on 17/01/2022 is not disputed. Burial ceremony of grand-father of the accused already stated to be performed. In the present interim bail application, the accused has not specified the last rites/ rituals of his grand-father to be attended and performed by the accused. There are other family members in the family who can perform the last rites/ rituals of grand-father of the accused, as mentioned in the reply. It is pertinent to mention here that regular bail application of the accused Farmaan was dismissed by the Ld. ASJ-02 (Central), Tis Hazari Courts, Delhi vide order dated 08/06/2021. Interim bail application of the co-accused Vijay on the similar grounds stated to be dismissed by the Ld. ASJ (Central), Tis Hazari Courts, Delhi vide order dated 20/12/2021. In the present case, FSL result is stated to be pending and charge is yet to be framed and complainant/ victim/ public witnesses are yet to be examined. Keeping in view the facts and circumstances of the case, gravity of offence, nature of serious allegations levelled against the accused, this Court is of the considered opinion that no ground for interim bail of accused Farmaan is made out. Accordingly, the present interim bail application of accused Farmaan is dismissed.

A copy of this order be sent to the concerned Jail Superintendent through e-mail for information. Counsel for the accused is at liberty to collect the copy of present order through electronic mode.

Order be uploaded on the website of the Delhi District Court.

(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
29/01/2022 (G)