

IA No. 04/2026
SC No. 1725/2009
STATE Vs. MOHD. JAMSHED ALI KHAN
FIR No. 10/2009
PS Mandawali
U/s 302/394/201/120B/414/34 IPC

16.05.2026

File has been taken up again on the bail application of the accused Mohd. Jamshed Ali Khan.

Present:- Sh. S.K. Tripathi, Ld. Addl. PP for the State.
Sh. R.K. Kochar, Ld. Counsel for the accused.
IO/Inspector Naveen Rathee in person.

Reply of the application has been filed.

Counsel for accused has submitted that no other bail application of the accused is pending either before the Hon'ble High Court of Delhi or before any other court; that the accused is innocent and has been falsely implicated in this case; that the accused is in custody since 23.11.2024; that earlier the accused was on bail but he met with an accident in the year 2012, fracturing his bones and therefore, could not appear before the court; that later, co-accused persons misled him stating that the case against him was finished and therefore, he did not appear before the court; that since the dismissal of the earlier bail application of the accused, circumstances have changed because charge under Section 174A IPC has been framed and one witness has also been examined; that the accused has been arrested only on the disclosure statement of co-accused and that no purpose would be served by keeping the accused in custody and therefore, the accused may be admitted to bail.

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Per contra, Ld. Addl PP for the State opposed the application arguing that the accused remained absconding during the proceedings and therefore, charge under Section 174A IPC has also been framed against him and that Rs. 4,700/- out of the robbed amount was also recovered from the accused.

I have heard the arguments and have gone through the material available on the record.

In the instant case, vide judgment dated 29.03.2014, co-accused persons namely Kesar Ali, Asim Ali, Wazid Ali and Mohd. Shakeel were acquitted because the prosecution failed to prove its case beyond the reasonable doubt.

Apart from this, in this case now, only PWs namely ACP Keshav Kumar and SI Pawan Kumar were left to be examined and vide order dated 12.05.2026, the said witnesses were summoned for their examination on 15.05.2026, however, PW/SI Pawan was dropped from the list of witnesses because he has expired and the another witness namely ACP Keshav Kumar did not appear because he was busy in taking his LL.B. examination.

Therefore, considering the judgment dated 29.03.2014 and the fact that now only ACP Keshav Kumar is left to be examined, this court deems it fit to admit the accused Mohd. Jamshed Ali Khan to bail on furnishing personal bond in the sum of Rs.25,000/- with one surety in the like amount subject to following conditions:

1. He will not contact the witnesses;

2. He will appear before the court on every date of hearing;
and
3. He will immediately inform the IO and the Court in case of any change of his address.

In compliance of *Sanjay Singh Vs. State (Govt of N.C.T of Delhi) Writ Petition Criminal No.974/2022*, copy of this order be sent to the concerned Jail Superintendent to convey the order to inmate.

Put up for purpose fixed on the date already fixed
i.e. on 28.05.2026.

Copy of the order be given dasti.

(Subhash Kumar Mishra)
Additional Sessions Judge-03,
East, KKD Courts, Delhi
16.05.2026