

Hearing through Video Conferencing by Cisco Webex
Meeting App

Arif @ Taslim Vs. State
SC No. 144/2019

In re:-
FIR No. 37/2019
PS: Dayal Pur
U/s: 302/120-B/34 IPC

19.07.2021

Present: Sh. Kapil Singhal, Ld. Counsel for applicant.
Sh. Masood Ahmad, Ld. Addl. PP for the State.

Reply to the application has been received through mail. Submissions on the application are heard.

By way of present application, the applicant is seeking bail in the present case with the submissions that his name is brought on the record on the basis of disclosure of the co-accused and that he is neither named in the FiR nor any witness has showed his presence at the time of incident at the place of incident. It is submitted that no admissible evidence is brought on record during the investigation showing involvement of the applicant in the case except the disclosure statement of co-accused.

It is submitted that applicant was admitted on interim bail earlier which was extended from time to time and after completion of period of interim bail, he surrendered before the Jail Superintendent on 24.06.2021. It is submitted that applicant has not misused the concession of interim bail and he undertakes to appear before the Court on each and every date of hearing.

The bail application is opposed with the submissions that applicant may jump the bail and threaten the eye witnesses. It is submitted that no TIP of the applicant has been conducted and that his name is not mentioned in the FIR. It is submitted that his name was disclosed by co-accused Afzal who is named in the FIR. No incident of misuse of interim bail by the applicant is brought on record.

Considering the facts of the case where there is no likelihood of initiation of trial due to partial working of the Court, and that the applicant cannot be kept in custody as pre-trial punishment, the application is allowed and applicant is admitted to bail on furnishing of bail bonds in sum of Rs. 50,000/- with one surety of like amount. The applicant will also furnish the details in Annexure B as per order dated 28-06-2021 of the Hon'ble High Court of Delhi in Crl.M.C 5328/2013 Sunil Tyagi v. Govt. of NCT of Delhi.

Copy of the order be sent to the parties and the Superintendent Jail for information.

(SUNIL CHAUDHARY)
Special Judge (NDPS)/ASJ
North East/ Delhi 19.07.2021