

IA No. 9/24 in SC No. 150/16
State Vs. Arif
FIR No.432/16
PS New Usmanpur

31.07.2024

ORDER

1. Vide this order I shall dispose off the bail application u/s. 483 BNSS, 2023 moved on behalf of accused / applicant Arif for grant of regular bail. Reply filed by the IO.

2. It is submitted by Id. Counsel for the applicant/accused that there is no other bail application preferred by the present applicant/accused which is pending disposal before the Hon'ble Supreme Court of India, before the Hon'ble High Court of Delhi or in any other Court in the present case FIR.

3. It is submitted by Ld. Counsel for applicant/accused that the present applicant/accused was granted regular bail in this case and he could not appear before this court on 16.12.202 and this court was pleased to issue NBWs against him. Thereafter, process u/s 82 Cr.PC was issued by the Ld. Predecessor of this court on 03.02.2022. The applicant/accused was declared a proclaimed offender by the Ld. Predecessor of this court vide order dated 08.07.2022. He was later arrested and produced before the court of Ld. Duty MM on 26.04.2024. He was thereafter, produced before this court on 27.04.2024 and is in custody ever-since.

4. It is submitted by Id. Counsel for the applicant/accused

that in the present case, the FIR was registered in the year 2016 and he was arrested on 16.05.2016. He remained in custody till 24.07.2019, when he was released on regular bail by the Ld. Predecessor of this court. Thereafter, the applicant/accused had surrendered himself before the concerned Jail Superintendent and he remained in custody till 18.07.2020, when he was released from custody upon furnishing of a personal bond in a sum of Rs. 30,000/- in view of HPC guidelines issued at the time of the Covid-19 Pandemic.

5. It is submitted by Ld. Counsel for applicant/accused that he is ready to abide with any condition that this court may impose upon him if the bail is granted.

6. Per contra, It is submitted by the Ld. APP for the State that the present applicant/accused had absented himself on as many as 3 separate occasions and this court had to issued NBWs against him. He is already declared a PO in the present case. Therefore, if he is released on bail at this stage, he may abscond again and flee from the hands of justice. Therefore, the State is strongly opposing the present bail application.

7. After considering the rival contention of the parties, I am of the view that considering the gravity of the offences and seriousness of the allegations leveled against the present applicant/accused, and considering the fact that the applicant/accused was not regular in appearing before this court and time and again NBWs and process u/s 82 Cr.PC was issued against him. On 04.06.2024, this court had framed separate

charges u/s 174-A IPC against the applicant/accused and summons were issued to CW-1 Process Server ASI Gajender, arresting officer/IO HC Manoj Kumar and HC Karamvir for the NDOH. The trial is at the fag-end and only PW13 IO SI Jagveer Singh is remaining to be cross examined by the applicant/accused, in addition to the witnesses of his arrest. Furthermore, considering his previous conduct, this court is not inclined to exercise the discretion in his favour. Hence, the present bail application is hereby dismissed.

8. Needless to say nothing expressed herein shall have any bearing on the merits of the case.

9. Application is disposed off accordingly.

10. A copy of this order be given *dasti* to all concerned parties.

(ATUL AHLAWAT)
ASJ (FTC)/North-
East/KKD Courts/
Delhi/31.07.2024