

IA No.04/2024
SC No. 331/2019
State Vs. Wasim
FIR No. 252/2013
PS: New Usmanpur
U/s: 392/394/34 & 397 of IPC

12.4.2024

Present: Sh Abhishek Kumar and Sh. Ajay Kumar,
Ld. Counsels for the applicant/accused Wasim.
Sh. Neeraj Madhup, Ld. Substituted Addl. PP for the
State.
IO/ASI Rakesh Kumar.

1. The matter is fixed for hearing arguments on the application for grant of bail filed by the applicant/accused Wasim.

2. Today, on calling the case, Ld. Counsels for the applicant/accused have appeared. IO has filed reply to this application alongwith the previous involvement of this applicant/accused. Copies thereof have been supplied to ld. Counsel for the applicant/accused.

3. I have heard the ld. Counsels for the parties.

4. Sh Abhishek Kumar and Sh. Ajay Kumar, Ld. Counsels for the applicant/accused Waseem have submitted that this applicant/accused could not come on dated 01.11.2023 and this court had issued warrants of arrest against this applicant /accused and further submitted that this applicant/accused is also facing another trial in this court and submitted that this applicant/accused had appeared in the said case on dated 24.1.2024 and

warrants of production were ordered to be issued for producing this applicant/accused in the present case and on issuance of warrants of production, this applicant/accused was produced in this court and submitted that permanent address of this applicant/accused is already there on the record. He has further submitted that it may take time in completion of the trial and complainant has already been examined and cross-examined and submitted that no fruitful purpose will be served, by keeping this applicant/accused behind the bars, as, the trial is not likely to be concluded in near future, as, the next date of hearings are fixed for 05.8.2024 and 06.8.2024, for evidence of the prosecution and prayed for grant of bail.

4. On the other hand, Sh. Neeraj Madhu, Ld. substituted Addl. PP for the State has vehemently opposed the present application for grant of bail and submitted that this applicant/accused absented in this case and he is also involved in other three cases and in one of the cases, he has been convicted in the year 2015. He has further submitted that this applicant/accused may again flee away from justice, in case, this applicant/accused may be granted bail, so, he does not deserve the concession of bail and prayed for dismissal of the present application.

5. I have given thoughtful consideration to the submissions made by the Ld. Counsels for the parties and perused the record.

6. The perusal of the record reveals that this applicant/

accused could not appear in the court on dated 01.11.2023 and this court had issued warrants of arrest him and the warrants of arrest issued against this applicant/accused was received back with report, unexecuted that the mother of this applicant/accused told that this accused is in the habit of consuming the intoxicated substance and he does not come to his house regularly and thereafter, this applicant/accused had surrendered in some other case, which is also pending in this court and this court had issued warrants of production for producing this applicant/accused in this case and he was produced in the court in the present case. Since, the complainant has already been examined and cross-examined in this case and no doubt that charges u/s. 392/34, 394/34 and 397 of IPC have been framed against this applicant/accused, but, as the present case is fixed for 05.8.2024 and 06.8.2024, for evidence of the prosecution and the trial is not likely to be concluded in near future and no fruitful purpose will be served, by keeping this applicant/accused behind the bars for any longer, so, this applicant/accused Waseem is ordered to be released on bail on furnishing personal bond in the sum of Rs.25,000/- with one surety of like amount, subject to condition that he will not temper with the evidence of the prosecution and he will not indulge in any other criminal activity in future and he will appear in this court on each and every date of hearing and in case, he will violate any condition of this order, the prosecution will be at liberty to file application for cancellation of bail of this applicant/accused.

7. In the above said terms, the application for grant of bail filed by applicant/accused Waseem stands **allowed**. Dasti copies of this order be provided to the parties. **Attested copy of this order be also sent to the Superintendent of Central Jail, Tihar for supplying the same to this applicant/accused.**

(PAWAN KUMAR MATTO)
Addl. Sessions Judge (Special Judge NDPS)
North East/KKD Courts/Delhi/12.4.2024