

IA No. 10/2022
Imran Vs. State

In re:-
SC No. 103/2017
FIR No. 591/2016
PS: Seelampur
U/s: 392/394/397/506/34 IPC
& Sec. 25/54/59 Arms Act

05.02.2022

Present: Sh. Naeem Ahmed Khan, Ld. Counsel for the applicant.
Sh. Masood Ahmad, Ld. Addl. PP for the State with SI Shailendra Tiwari.

The matter is taken up for hearing through video conferencing by Cisco Webex Meeting App in terms of office order No. 1/RG/DHC/2022 dated 12.01.2022 of the Hon'ble High Court of Delhi and order No. 478-490/Judl./N-E/KKD/Delhi/2022 dated 14.01.2022 of Learned Principal District and Sessions Judge, North East, Delhi.

Reply to the bail application is received and its copy has been received by Ld. Counsel for the applicant as stated. Submissions on the bail application are heard.

The applicant is facing trial in the present matter for the offences punishable u/s. 392/397/34 IPC and Sec. 411 IPC and is in custody since 08.04.2017. The applicant is praying for release on bail with submissions that he is a peace loving and law-abiding citizen of India residing at the given address with his family. It is submitted that he has been falsely implicated in the present matter and was arrested in the case on 08.04.2017 and is in custody since then and period of more than four years and nine months is completed. It is submitted that public witnesses have been

examined and there are many contradictions between the chief and cross examinations of both the main witnesses namely Rahul and Naimuddin and trial will take long time. It is submitted that the complainant denied identification of the applicant in his chief examination on 16.04.2018 and the matter is fixed for prosecution evidence on 26.02.2022.

It is submitted that the applicant was arrested after four months of the incident by the police and he has no concern or connection with the alleged offence and nothing has been recovered from him and if something is shown recovered that is planted by the police officials. It is submitted that there is no fruitful purpose to keep the applicant in judicial custody. It is submitted that due to pandemic situation, family of the applicant is surviving hardly and there is nobody to take care of the family except the applicant and the parents are old age and his father is a sugar patient who is unoccupied and that the applicant is having four sisters in which two are married and two unmarried and one younger brother and that one married sister also lives with them with her children and there is no earning source of his family except the applicant. It is submitted that the applicant is ready to abide all terms and conditions imposed by the Court at the time of granting bail to him and that there is no apprehension of his absconding or tampering with the remaining prosecution evidence.

On the other hand, the bail application is opposed with the submissions that three earlier bail applications have been dismissed by the Court considering the contentions and the evidence recorded so far. It is submitted that the trial is being conducted as per the evidence and even after dismissal of the earlier bail applications, witnesses have been examined in the

matter. It is submitted that the applicant is involved in other criminal matters.

In the reply, 12 matters have been mentioned and it is apprised to the Court that out of the said matters, 8 matters have been disposed off and 4 cases are pending against the applicant. It is submitted that complainant was robbed by the applicant and his associates and the robbed mobile phone was recovered at the instance of the applicant and that applicant may evade the trial if is admitted to bail and may commit crime again.

I have gone through the record produced as well as orders passed in the earlier bail applications. The last bail application was dismissed by the Court vide order dated 01.10.2021 finding that considering the evidence recorded his earlier bail applications have been dismissed and no new ground have come on file to disbelieve the case of the prosecution. After dismissal of the said bail application, two witnesses were examined on 04.12.2021 and now matter is fixed for further evidence on 26.02.2022.

Thus, no ground is made out to have a different opinion than to the view taken on the earlier bail applications. As such, the present application is dismissed. Copy of order be provided to the parties.

(SUNIL CHAUDHARY)
Special Judge (NDPS)/ASJ
North East/Delhi/05.02.2022