

9 SC 258/2017
STATE Vs. SALEEM@ MOTA
FIR no. 235 /2017
PS Khajuri Khas

28.03.2024

Present: Sh. Harvinder Kumar Nar, Ld. APP for the State.
Sh. Amit Singh, Ld. Counsel for accused Saleem @ Mota.
Sh. Sunil Kumar, Ld. Counsel for accused Imran and
Riyazuddin alongwith accused persons.
Sh. Rakesh Kumar, Ld. Counsel for surety Saddam Husain.
Accused Saleem @ Mota is absent.

Ld. Counsel for accused Saleem @ Mota has moved an application u/s 205 Cr.P.C seeking exemption for personal appearance on the ground that he is not well. The application is not supported with any medical document. The application is allowed subject to filing of the medical document on or before the NDOH, failing which cost of Rs. 5,000/- shall be imposed upon the accused.

On the LDOH, the Ld. Predecessor of this Court had issued BW in a sum of Rs. 5,000/- against PW Mohd. Yunus. The said bailable warrants have been received back duly served alongwith the personal bond and surety bond filed on behalf of PW Mohd. Yunus. PW Mohd. Yunus has remained absent despite repeated calls and waiting. No further wait is justified.

Issue NBW against the PW Mohd. Yunus through DCP concerned and notice to his surety Uma d/o Mohd. Shaheed for NDOH.

Ld. Counsel for accused Imran had moved an application seeking cancellation of NBWs issued by the Ld. Predecessor of this Court vide order dt. 15.02.2024 on the ground that he was ill and could not give information about the same to Ld. Counsel appearing on his behalf and therefore, no application seeking exemption for personal appearance could

be filed. On the basis of the averments in the present application and the submissions made by Ld. counsel for the applicant/accused, the application is hereby allowed and the NBWs issued on the LDOH are hereby cancelled. Previous surety Jamiluddin s/o Nizamuddin is hereby restored.

Copy of this order be given dasti as prayed for.

Perusal of the record reflects that an application was moved on behalf of the surety who stood the surety for accused Saleem @ Mota seeking withdrawal the surety bond filed by him. It has been submitted by Ld. Counsel for the surety that the applicant has lost his control over the accused and he wants to withdraw his surety. Let the notice of the present application be issued to the accused Saleem @ Mota. The Ld. counsel for accused Saleem @ Mota present in Court accept notice of the present application.

It has been submitted by Ld. Counsel for accused Saleem @ Mota that he has not objection if the present application is allowed and he has prayed for two weeks time to furnish fresh surety for a sum of Rs. 20,000/-. In view of the submissions made on behalf of the applicant and the Ld. counsel for the accused Saleem @ Mota, the present application is allowed. the surety bond given by surety Saddam Husain s/o Iqbal Ali is hereby discharged. The original documents if any be released to its rightful owner as per rules.

Accused Saleem @ Mota is directed to produce fresh surety for a sum of Rs. 20,000/- with one week from today, failing which bail granted to accused shall be cancelled.

Now to come up for PE on **02.05.2024.**

(Atul Ahlawat)
ASJ/(FTC)
N.E. KKD, Delhi
28.03.2024