

IN THE COURT OF SH. VIMAL KUMAR YADAV
PRINCIPAL DISTRICT & SESSIONS JUDGE
NORTH DISTRICT: ROHINI COURTS: DELHI

CNR No. DLNT01-001558-2022
SC No. 123/22
FIR No. 468/21
PS Prashant Vihar
U/s 307/34 IPC & 25/27/54/59 Arms Act
State v. Rahul Thakur @ Haddi & Ors.

25.11.2022

File taken up today on bail application of applicant/
accused Suraj Tiwari @ Shiva.

Present: Ms. Neeta Gupta, Ld. Chief PP for State.

Sh. Pankaj Kumar Dubey, Adv. Ld. Counsel for
applicant/accused Suraj Tiwari @ Shiva.

It is contended on behalf of the applicant that he was on regular bail and has been taken into custody in view of the fact that he absented on one of the dates and it was revealed that he is not living at the address furnished by him. It is submitted that the applicant had no malafide intention rather it was out of ignorance that he did not inform the changed address either to the police or to the court. Apart from that, it is submitted that the accused hereby undertakes that he shall furnish change in particular as and when any such change takes place, to the court as well as to the police. He is, therefore, required to be considered for bail since he has clean antecedents and so far as the present incident is concerned, he is not the person who had actually fired gunshot even as per the allegations. He is not even visible in the CCTV footage.

The Chief Prosecutor, on the other hand, submitted that the applicant was duty bound to keep the court as well as the police informed about any change in his address, etc. Although it is assured by the counsel for the applicant/accused that henceforth the accused shall inform the court and the police about any change but then he can abscond and there would not be any proper address on record to secure his presence. In these circumstances, the applicant does not deserve to be considered for bail.

Having taken into account the entire given facts and circumstances, especially the fact that applicant had himself appeared before the court, notwithstanding the fact that his NBW was there against him which remained unexecuted due to the change in the address. Had it been the case that applicant wanted to abscond, he would not have appeared. Therefore, in these circumstances, when the accused was already on regular bail, then, it appears to be a reason not to keep him in further custody. Accordingly, applicant/accused Suraj Tiwari @ Shiva is admitted to bail on his furnishing personal bond in the sum of Rs.25,000/- with one surety in the like amount, on the following terms & conditions:

- i) That the applicant/accused will supply his mobile number alongwith an alternate mobile number to the IO of the case, which should be always working and he shall share his phone live location as and when required by the IO.*
- ii) That the applicant/accused will not try to contact or threaten or influence the prosecution witnesses or tamper with evidence.*
- iii) That the applicant/accused will not indulge in any anti-social activity.*

iv) That the applicant/accused will not leave the station without prior permission of the court.

v) That, the accused shall keep the court and the police informed about any change in his address or mobile phone number.

vi) That, in case, it is prima facie brought to the notice of the Court that the applicant/accused is violating the abovesaid conditions, the bail granted to him shall be liable to be cancelled.

Copy of this order be sent to the concerned Jail Superintendent. The bail application of applicant/accused Suraj Tiwari @ Shiva is accordingly disposed off.

(Vimal Kumar Yadav)
Principal District & Sessions Judge (North)
Rohini Courts, Delhi (sb)