

IA No. 01/2024 in SC 533/2021
STATE Vs. Shakir Ali
FIR NO. 772/2021
PS Mahendra Park
U/s 392/394/397/398/411 IPC

13.02.2024

This is an application under Section 439 Cr.P.C. for grant of bail moved on behalf of applicant/accused Shakir Ali.

Present:- Mr. Nishant Kumar, Ld. Additional PP for the State.

Mr. Anuj Arya, ld. Counsel for applicant/accused.

IO HC Satbir Singh in person.

Reply to the bail application filed. Copy supplied.

Various grounds for seeking bail have been mentioned in the application, which have been duly considered, however, the same are not being reproduced herein for the sake of brevity.

1. Brief facts of the case are that on 01.07.2021, at about 12.30 p.m. at G.T. Karnal Road, Ramgarh, the accused robbed the complainant Mohd. Israr of his mobile phone, purse, driving licence by using a deadly weapon i.e. churra on the person of the complainant and also caused injuries to him. The robbed items were recovered from the possession of the accused and eventually the present FIR was registered under Section 392/394/397/398/411 IPC.

2. It is argued by Ld. Counsel for the applicant/accused that accused has been falsely implicated in the present case. That accused is running in JC since 02.07.2021. That accused is ready to abide by all the terms and conditions. It is prayed that a lenient

view be taken. That the complainant Mohd. Israr has been partly examined in chief, however, his further examination is deferred for want of case property i.e. the weapon of offence churra and trial shall take its own course.

3. Ld. Additional PP for the State vehemently opposed the bail application submitting that the allegations levelled against the applicant/ accused are very serious in nature.

4. Heard. Record perused.

5. On 01.07.2021, at about 12.30 p.m. at G.T. Karnal Road, Ramgarh, the accused robbed the complainant Mohd. Israr of his mobile phone, purse, driving licence by using a deadly weapon i.e. churra on the person of the complainant and also caused injuries to him. The robbed items were recovered from the possession of the accused and eventually the present FIR was registered under Section 392/394/397/398/411 IPC.

Matter is at the initial stage. Complainant/injured is yet to be discharged, although, the veracity of the testimony of the witness would be adjudicated only at the final state, however, it is pertinent to mention that in his part examination in chief dated 11.10.2022, he has correctly identified the accused and pointed out at him as the person who gave him knife blow on his neck and caused injuries on his right hand and left arm with churra.

Further, there is another eye witness PW Veeru Singh, who is to be examined. There is every possibility if released on bail, applicant/accused may threaten the injured or influence the eye witness.

6. Seeing the totality of the fact and circumstances and the gravity of the offence, no ground for grant of bail is made out at this stage. The bail application accordingly **dismissed**.

Application is disposed off accordingly.

7. *It is clarified that nothing stated herein shall tantamount to an expression of opinion on the merits of the case.*

8. Copy of the order be given *dasti* to the Ld. Counsel for the applicant/accused as well as be sent to concerned IO, concerned Jail Superintendent, Ld. Secretary, DLSA (North), through all possible modes, as per rules, by the court staff.

(Shefali Sharma)
Addl. Sessions Judge-02(North)
Rohini Courts Delhi
13.02.2024