

IA No. 02/2026 in SC 533/2021
State Vs. Shakir Ali
FIR NO. 772/2021
PS Mahendra Park
U/s 392/394/397/398/411 IPC

28.03.2026

This is an application under Section 483 BNSS moved on behalf of the accused/applicant namely Shakir Ali.

Present: Dr. Sarita Rani, Ld. Additional PP for the State.

Sh. Anuj Arya, ld. Counsel for the applicant/accused.

IO in person.

Reply has been filed. Copy supplied.

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. Accused is running in JC since 02.07.2021 and is ready to abide by all the terms and conditions. It is further argued that out of 14 witness 07 witnesses have been examined and PW6 has not supported the case of the prosecution. It is further submitted that the trial would take long time. It is submitted that no purpose

would be served to keep the accused in custody. It is prayed that a lenient view be taken.

3. On the other hand, Ld. Addl. PP for the State has vehemently opposed the bail application and argued that allegations against the applicant / accused are serious in nature, hence, prayer is made for dismissal of the bail application.

4. I have heard the Ld. Addl. PP for State and Ld. Counsel for applicant/accused.

5. In the case of **The State of Rajasthan Vs. Bal Chand, 1977 (4) SCC 308**, the Hon'ble Supreme Court of India has observed as under:

“The basic rule may perhaps be tersely put as bail, not jail, except where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like, by the petitioner who seeks enlargement on bail from the court. We do. not intend to be exhaustive but only illustrative.”

In the case of **Sanjay Chandra Vs. CBI 2012(1) SCC 40**, the Hon'ble Supreme Court of India has observed as under:

“.. We do not see any good reason to detain the accused in custody, that too, after the completion of the investigation and filing of the charge-sheet.”

In the said case of Sanjay Chandra (supra), the Apex Court further held as under:

“This Court, time and again, has stated that bail is the rule and committal to jail an exception.

It is also observed that refusal of bail is a restriction on the personal liberty of the individual guaranteed under Article 21 of the Constitution.”

6. I have perused the charge-sheet. There is no previous involvement of the applicant/accused, as per report of the IO. Applicant is running in J/C since for since 02.07.2021. Public witnesses have already been examined and only police/formal witnesses are remained to be examined.

7. In view of the guidelines of the Hon'ble Supreme Court in judgments, cited above and also seeing the totality of facts and circumstances of the present case, no purpose would be served by keeping the applicant/accused in further custody, the applicant/ accused Shakir Ali is admitted to bail on his furnishing a personal bond in the sum of Rs.30,000/- with one surety in the like amount, who is permanent resident of Delhi/NCR, to the satisfaction of concerned Ld. MM/Link MM/Duty MM but subject to the following conditions:

- (a) The applicant/accused shall attend the court proceedings regularly.
- (b) That in case of change of his residential addresses, he shall intimate the Court about the same.
- (c) The accused shall not leave the country

- without prior permission of the Court.
- (d) The accused shall not indulge into similar offence in the event of release on bail.
 - (e) The applicant/accused shall not try to contact or influence the witnesses, in any manner, directly or indirectly.

Application stands disposed off.

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

9. 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.

(VANDANA)
Addl. Sessions Judge-02(North)
Rohini Courts Delhi
28.03.2026