

IA No. 03/2021
FIR No. 55/2016
P.S Crime Branch (North)
State Vs. Sumit @ Sam
U/s 3(1), 3(4), 3(5) MCOCA

19.04.2021

As per directions of Hon'ble High Court vide office order bearing no. 256/RG/DHC/2021 dated 08/04/2021 and subsequent order bearing no. 620-684/F2(9)/Judl./COVID/North/RC/2021 dated 08/04/2021 of Id. Principal District & Sessions Judge, North, Rohini Courts, Delhi, all the cases shall be taken up through virtual mode only with effect from 09/04/2021 till 24/04/2021, no adverse order shall be passed in case of non-appearance of parties and/or their counsel and the matter which are fixed for recording of evidence, shall be adjourned. Accordingly, the case is taken-up through videoconferencing via CISCO Webex App.

This application for grant of interim bail u/s 439 Cr.P.C moved on behalf of above named applicant is placed before me in terms of order No.Judl./Bail/North/RC/2021/12340-12364,dated 30.03.2021 of Id. Principal District & Sessions Judge, North, Rohini Courts, Delhi.

Present in the Court : None.
Present through Webex : Sh. Sanjay Jindal, Id. Additional. PP for the State.
: Sh. Pradeep Rana, Id counsel for applicant.

Reply to the application filed by ACP Surender Kumar Gulia.

It is submitted by Id. Counsel for the applicant/accused that interim bail may be granted to the applicant/accused for a period of 90 days. It is submitted by Id. Counsel for the applicant that applicant had been granted interim bail earlier and after expiry of the same, he surrendered before the jail. It is further submitted that his interim was extended from time to time as per HPC Guidelines. It is further argued by Id. Counsel for the applicant that applicant never misused the period of interim bail. It is also argued that in the previous

involvement report filed, in 05 cases accused stands acquitted. It is also argued that the wife the of the applicant is 5 ½ months pregnant and as his marriage was love marriage, there is no one to look after his wife. It is further submitted that in view of the ongoing Covid-19 pandemic situation, the presence of the applicant/accused is required to look after his wife, hence, interim bail may be granted to the applicant.

Ld. Addl. PP has strongly opposed the bail application on the ground that applicant is presently lodged in MCOCA case and is habitual in creating grounds for getting bail. It is further submitted that other co-accused namely Anil Pehalwan has already jumped the parole. It is further argued that there is no provision of interim bail under MCOCA.

Heard.

In the cases under MCOCA, the previous involvement is very much material and while dealing with the bail the court should not consider the final outcome of the previous cases. The applicant is involved in MCOCA case and also previously involved in serious offences. Keeping in view over all facts and circumstances of the case and seriousness of the offences and also considering the submission of Ld. Addl. PP that interim bail could not be granted in MCOCA cases on the ground which are applicable in other cases, I do not find it a fit case for grant of bail. Application is, therefore, dismissed.

Copy of this order be sent on whatsapp/email ID of Id. Counsel for the applicant/ accused.

(Shivaji Anand)
Addl. Sessions Judge:04 (North)
Rohini Courts: Delhi: 19.04.2021(Ar)