

Bail Matters 772/2026
STATE Vs. SULEMAAN KHAN ALIAS SIDDIQUI
FIR No. 71/2009
PS- (Greater Kailash)
u/s 420/465/467/468/471/174A IPC

25.04.2026

Present application has been taken up in terms of Order No. 10 dated 06.03.2026 passed by Ld. Principal District and Sessions Judge, SED, Saket Courts, New Delhi. (Roster)

This is an application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023, filed on behalf of the applicant/accused Sulemaan Mohd. Khan @ Siddique for grant of regular bail.

Present: Sh. Yogendra Singh, Ld. Addl. PP for the State.
Sh. Kartar Sharma, Sh. Jitender Singh, Nagmani,
Anil Sharma, Sh. Dharmendra Singh and Shashi
Dashmana, Ld. Counsel for the applicant/accused.

1. Vide this order, this Court shall adjudicate upon the regular bail application filed on behalf of the applicant/accused Sulemaan Khan @ Siddique. Arguments were heard at length, the gist whereof is discussed hereunder.

2. Learned counsel for the applicant/accused submitted that the applicant/accused has been falsely implicated and has no direct role in the alleged offence. Ld. Counsel further submitted that the FIR pertains to the year 2009, and the matter is extremely old. Ld. Counsel further submitted that the applicant/accused has already undergone substantial custody of about 7 years. Ld. Counsel further submitted that the applicant is presently in judicial custody and has cooperated after his arrest. Ld. Counsel

further submitted that co-accused persons have either expired or have been discharged. Ld. Counsel for the applicant/accused submitted that the applicant/accused is a broker in Goa doing sale and purchase properties and he had never visited Delhi till 2025 and as such, the complainant filed a false complaint in Delhi police station making allegations therein against the applicant/accused, whereupon the present case FIR was registered on 13.04.2009 at Police Station Greater Kailash-1, u/s 420/465/468/471/174A of the IPC, but the applicant/accused never received any summons and he was declared proclaimed offender by the then Ld. MM on 30.03.2010. The present applicant/accused was lodged in Goa Jail and he came to know that one FIR against him is pending in Delhi and therefore, on 15.01.2019, he moved an application through his counsel before the Ld. JMFC, South East District for issuance of his production warrant and thereupon, Ld. JMFC concerned issued production warrant qua him vide order dated 11.03.2019. However, the concerned police officials/IO failed to arrest the applicant/accused or secure his presence before the court. Consequently, the applicant/accused approached the Ld. Trial Court again and filed applications for issuance of production warrants on two separate occasions, but could not get it done.

3. Ld. Counsel further submitted that the applicant/accused has already spent about 07 years in prison in this case and meanwhile, co-accused namely Ashok Sapra has expired and another co-accused Anoop Sinha has been discharged by the Ld. Trial Court. Ld. Counsel further submitted

that the applicant/accused had been arrested by the IO on 06.09.2025 and thereafter, the supplementary chargesheet was filed on 20.09.2025. Ld. Counsel further drew my attention towards the application filed by the applicant/accused before the Ld. Trial Court on 15.01.2019 for recalling of the order dated 30.03.2010 regarding his proclamation offender as well as issuance of his production warrant, whereby the applicant/accused had informed the Ld. Trial Court that he was in judicial custody at that point of time in case FIR No. 261/2018, u/s 420/468/471 IPC, PS Raidurgam and in FIR No. 77/14, PS Anjuna, Pune, u/s 307/302/328 r/w 149 IPC and further, the applicant/accused prayed before the Ld. Trial Court for issuance of production warrant qua him from Goa Jail and contended that he had duly informed to the Ld. Trial Court about the judicial custoday of other cases registered at Goa and Pune and also got the production warrant issued from the Ld. Trial Court and as such, Ld. Counsel contended that he has been in JC from the time, he made an application before the Ld. Trial Court i.e. 15.01.2019 and as such, he has already spent more than 7 years in JC of this case. Ld. Counsel placed reliance upon the cases of **Niranjan Singh & Anr. vs. Prabhakar Rajaram Kharote & Ors. 1980 SCC (2) 559**, and **Sundeep Kumar Bafna vs. State of Maharashtra & Anr. SLP (Crl.) No. 1348 of 2014**. Ld. Counsel thus, prayed that the applicant/accused ought to be granted anticipatory bail and he is ready to abide by all the terms and conditions imposed upon him by this court.

4. *Per contra* Ld. Addl. PP for the State vehemently opposed the bail application citing the gravity of the offences as one of the main grounds. Ld. Addl. PP further submitted that there are serious allegations against the applicant/accused involving forgery and cheating, whereby he dishonestly induced the complainant and cheated an amount of Rs. 25,50,000/- in 2009 from him. Ld. Addl. PP further submitted that the applicant/accused is a habitual offender and has consistently indulged in many other criminal cases of cheating, forgery, escaping police custody in multiple states and the same shows complete disregard for the law. Ld. Addl. further submitted that the applicant/accused has not cooperated with the investigating agency, particularly with regard to the recovery of the cheated amount as he did not disclose where he invested the cheated amount and caused huge loss to the complainant. Ld. Addl. PP further submitted that there is a strong apprehension that his presence cannot be ensured as he was declared PO during the initial investigation of the case. Ld. Addl. also submitted that once the applicant/accused escaped from the police custody in Goa and thus, the bail ought not to be granted bail.

5. I have heard the arguments addressed by the opposite parties and perused the record.

6. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence;

circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment, the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened; etc. However, at the same time, period of incarceration is also a relevant factor that is to be considered.

7. As per the prosecution, the complainant alleged that the accused persons induced him to purchase property in Goa by using forged documents including power of attorney and agreement to sell, thereby cheating him of an amount of approximately Rs. 28,50,000/-. It is further alleged that during investigation, the accused did not join proceedings and was declared a proclaimed offender. It is also the case of the prosecution that the applicant is involved in multiple cases, did not cooperate with the investigation, and there is apprehension that he may abscond or influence witnesses if released on bail.

8. It is an admitted position that the FIR is of the year 2009, i.e., about 17 years old. The applicant has already undergone prolonged incarceration. Investigation is complete and supplementary charge sheet has been filed. The presence of the accused can be secured through conditions. Though the applicant was earlier declared a proclaimed offender, however, he is now in custody and has been produced before the court. The purpose of declaring a person PO is to secure his presence, which now stands achieved. Perusal of the record shows that the applicant/accused had made an application before the Ld. Trial

Court on 15.01.2019 for issuance of production warrants qua him since he was in JC in Goa jail and accordingly, Ld. Trial Court directed for issuance of production warrants qua him on 11.03.2019, however, the applicant/accused could not be produced before the Ld. Trial Court due to one or the other reason. In the circumstances, it is apparent that the applicant/accused had made his appearance before the Ld. Trial Court on 15.01.2019. Though he could not be produced before the Ld. Trial Court, he had the bonafide intention to appear.

9. In the present case, keeping the accused in further custody would not serve any useful purpose, especially when the trial is likely to take time, evidence is documentary in nature and that the accused has already undergone substantial custody. No custodial interrogation of the applicant/accused is required for further purpose of investigation.

10. In the aforementioned circumstances, taking into account the submissions, and the fact that the investigation is complete and that no further custodial interrogation of the applicant/accused is required, I deem it fit to grant bail to accused Sulemaan Mohd. Khan @ Siddique, on his furnishing personal bond with surety bond of Rs. 50,000/- with one surety in the like amount to the satisfaction of Ld. JMFC/Link JMFC/Duty JMFC/Court concerned, subject to the following conditions:

i) The applicant/accused shall not try to contact or influence the complainant/victim in any manner;

ii) He shall not tamper with evidence in any manner and shall regularly appear before the concerned court on each and every date of hearing; and

iii) He shall also furnish his mobile phone and mobile phone of his surety to the IO and shall keep his mobile phone operational round the clock and shall share his Google PIN to IO.

11. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the regular bail application stands disposed of.

12. In compliance of **Sanjay Singh Vs. State (Govt of N.C.T of Delhi) Writ Petition Criminal 974/2022**, copy of this order be sent to concerned Jail Superintendent to convey the order to inmate.

13. Copy of the order be given dasti.

(Dr. TARUN SAHRAWAT)
ASJ-04 + Spl. Judge (NDPS),
South East District, Saket Court,
New Delhi /25.04.2026