

IA No. 04/2023
SC – ID No. 404/2022
State vs. Ubaid
FIR No. 183/2022
PS : Shahdara
U/s : 392/397/411/34 IPC

06.01.2023

This is an application for grant of bail to the abovementioned applicant/accused, under Section 439 of Cr.P.C.

Present: Sh. Anil Kumar, Ld. Addl. PP for State.

Sh. Danish Khan, Ld. Counsel for accused/applicant.

Briefly, it is stated in the application that the accused has been falsely implicated in the present case and has not committed anything wrong. It is also stated that accused/applicant is law abiding citizen of India and belongs to a poor family having 3 minor children and belongs to a financially marginalized section of society. It is further stated that investigation qua the present case has been completed and no purpose would be served to keep him in custody. It is further submitted that applicant/accused was arrested on 17.05.2022 in the abovementioned case. With these submissions, it is submitted that if bail is granted to the accused/applicant, he will not jump the bail and abide by the terms and conditions of bail.

Reply on the bail application filed by the IO. Copy supplied to the Ld. Defence counsel.

As per reply, IO submits that applicant/accused was actively involved in alleged crime and if he is released on bail, he can

commit similar type of offence. It is further stated that accused Ubaid was apprehended on the spot after committing robbery of mobile phone and cash with co-accused Imran. Also, the vehicle used in the commission of offence was recovered from possession of another co-accused Imran.

Arguments on the bail application heard on behalf of accused/applicant and Ld. Addl. PP for the State.

Ld. Addl. PP for the State strongly opposed the bail of the accused/applicant.

I have given careful consideration to the submissions of Ld. Counsel for the accused/applicant and Ld. Addl. PP for the State as well and have also gone through the material placed on record.

Co-accused Fazil has been granted bail on 03.12.2012. Trial is likely to take sometime.

Keeping in view the fact and circumstances, accused/applicant Ubaid is admitted to bail on furnishing bail bonds and surety bonds for a sum of Rs.20,000/- with two sureties of the like amount subject to the satisfaction of the concerned MM/ACMM/CMM/Duty MM and subject to the following conditions:-

- (i) during the period of bail, the accused/applicant shall not try to contact or influence, directly or indirectly, any of the witnesses of the present case;
- (ii) the accused/applicant shall join investigation as and when directed and shall cooperate with the investigating officer;

- (iii) the accused/applicant shall not misuse the benefit of bail by indulging in commission of similar offences in future;
- (iv) the accused/applicant shall not leave the country without prior permission of the court;
- (v) the accused/applicant shall appear before Ld. Trial Court on each and every date of hearing;
- (vi) the accused/applicant shall intimate the court in case of change of his address.

If the accused/applicant is found to be violating any of the above conditions, the State shall be at liberty to move an application for cancellation of bail. **The bail application accordingly stands disposed off.**

Copy of order be given dasti to the counsel for applicant as well as IO.

(KIRAN BANSAL)
ASJ-04, Shahdara/KKD Courts,
Delhi/06.01.2023