

CNR No. DLST01-001634-2024
SC No. 142 of 2024
State Vs Mohd. Anish & Ors.
FIR No. 395/2023
PS Sangam Vihar

08.04.2024

Present: Sh. L. D. Singh, Ld. Additional PP for the State.
All accused in person.
Sh. Manoj Kumar, Ld. Counsel for all accused.
Complainant in person.

Fresh vakalatnamas have been furnished on behalf of all accused persons. Same are taken on record.

At this stage, five applications under Section 439 of the Code of Criminal Procedure, 1973 (Cr.P.C.) have been moved on behalf of all accused persons for grant of regular bail.

Arguments advanced. Records perused carefully.

It is canvassed on behalf of the applicants-accused, namely, Mohd. Anish, Mohd. Kasim, Shakeel, Mohd. Sameer and Mohd. Musheer (hereinafter referred to as 'applicants') that they have been falsely implicated in the present case, they are innocent and were never involved in the commission of offence as alleged, applicants have fully cooperated with the Investigating Officer and joined the investigation as and when so required, they are charge-sheeted without arrest, investigation has already been completed and no fruitful purpose will be served by sending the applicants behind the bars, there is no likelihood of tampering with the evidence, applicants have clean antecedents and were never involved in any other criminal case, they are permanent residents of Delhi and there is no chance of the

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applicants absconding or fleeing from justice, applicants shall not misuse the liberty of bail, they are ready to furnish sound surety, and are ready to abide by all the terms and conditions imposed by the Court.

Complainant submits that he has no objection, if the applicants are admitted to regular bail as they would face further inquiry and trial before the Court.

Ld. Additional PP for the State has opposed the bail applications on the basis of nature and seriousness of the allegations.

In view of the dictum of the Supreme Court of India in **Arnesh Kumar Vs. State of Bihar & Anr. (2014) 8 SCC 273** and **Satender Kumar Antil Vs. CBI & Anr. (2022) 10 SCC 51**, since applicants have joined the investigation, and the offences being punishable for not more than seven years, there being no requirement of custodial interrogation of the applicants, charge-sheet having already been filed, applicants can be enlarged on bail pending the trial, subject to conditions.

In these circumstances, **applicants, namely, Mohd. Anish, Mohd. Kasim, Shakeel, Mohd. Sameer and Mohd. Musheer are admitted to regular bail on furnishing bail bond bond in sum of Rs 20,000/- each with one surety each in the like amount subject to the following conditions:**

- i. the applicants-accused shall not influence, coerce, pressurize or contact PWs in any manner directly or indirectly;**
- ii. they shall not tamper with the evidence;**

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- iii. **in case of change of residence, applicants shall inform the IO as well as the Court immediately;**
- iv. **they shall remain present in person or through their Counsel in the present case on every date of hearing fixed and/or as and when so directed by the Court;**
- v. **they shall not seek frequent exemptions or adjournments;**

The aforesaid findings do not tantamount to an expression of opinion on the merits of the case and are made only for the purpose of this application.

The present regular bail applications of applicants, namely, Mohd. Anish, Mohd. Kasim, Shakeel, Mohd. Sameer and Mohd. Musheer stand disposed of accordingly.

Copy of this Order be given *dasti* to Ld. Counsel for the applicant-accused and complainant. Copy be also supplied to IO as well as State.

At this stage, bail bonds of accused persons, namely, Mohd. Anish, Mohd. Kasim, Shakeel, Mohd. Sameer and Mohd. Musheer furnished. Same are accepted.

Matter is otherwise listed for further proceedings.

Copy of charge-sheet provided to all the accused persons as well as complainant.

At joint request, list now for arguments/consideration on point of charge on **05.07.2024**.

(Navjeet Budhiraja)
ASJ-02 (South)/ Saket Courts
New Delhi/08.04.2024