

**IN THE COURT OF SH. MOHINDER VIRAT,
ADDL. SESSIONS JUDGE-03/SPECIAL JUDGE (COMPANIES ACT)
DWARKA COURTS, NEW DELHI.**

Reg. No. SC/7/2019

State Vs. Shahzad & Ors. (applicant Shahzad)

FIR No. 109/2012

PS : Kapashera

U/S : 186/307/379/34 IPC

ORDER

31.07.2020

Present: Sh. Girish Kumar Manhas, Ld. Addl. PP for the State with IO/SI
Aakash.
Sh. Avtar Singh, ld. counsel for accused/applicant Shahzad.

This is an application under Section 439 CrPC moved on behalf of the applicant/accused for grant of regular bail.

Reply to the bail application has been filed on behalf of the IO through email.

It is submitted by learned counsel for the applicant/accused that the applicant/accused is innocent and he has been falsely implicated in the present case. It is further submitted that as per the FIR, the only allegation against the applicant/accused is that he alongwith co-accused persons had stolen two tyres of tempo. Learned counsel further submitted that earlier the applicant was on bail in this case and since he could not attend the court on date of hearing, he was declared P.O. by the court of ld. MM vide order dated 02.02.2018. Thereafter, in the year 2019, accused/applicant was arrested in some other case and was produced in this case in compliance of the production warrants issued against him. Learned counsel for the applicant/accused has prayed for grant of bail to the applicant/accused, subject to such conditions as deemed fit by this Court.

Per contra, learned Addl. PP for the State has strongly opposed the

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present bail application submitting that earlier the applicant/accused has been granted bail in this case but he has misused the concession of bail and ultimately, he was declared P.O. in this case. Learned Addl. PP further submitted that if bail is granted bail at this stage, there are chances of his again jumping the bail, which will delay the trial further. Learned Addl. PP has prayed for dismissal of the present bail application.

I have considered the rival contentions and carefully perused the record.

Perusal of the record reveals that the applicant/accused was earlier on bail in this case and since he failed to attend the Court after filing of the chargesheet, he was declared P.O. on 02.02.2018. As per the proceedings dated 14.04.2020, supplementary chargesheet qua applicant/accused was awaited till that date. Charge is yet to be framed in this case. In view of the present situation as created in the country due to COVID-19 pandemic, trial may take considerable time. Considering the facts and circumstances of the case and the fact that earlier the applicant/accused was on bail in this case, **the applicant/accused Shahzad S/o Ali Mohd. R/o Village Pachgawan, PO/PS Tawru, District Nuh, Haryana is re-admitted to bail to bail on furnishing personal bond in the sum of Rs.30,000/- with one surety in the like amount, subject to the following conditions:-**

1. That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him

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to disclose such facts to the court or to any other authority;

2. That he shall not indulge into similar offence or any other offence in the event of release on bail;
3. That he shall not tamper with evidence in any manner;
4. That in case of change of his residential address, he shall intimate the Court about the same; and
5. That he shall regularly appear before the Court on each and every date of hearing.

Further, considering the Corona Pandemic, at present the applicant/accused is admitted to bail on furnishing personal bond in the sum of Rs.30,000/- to the satisfaction of the Jail Superintendent and after the regular Courts start functioning, he would furnish the bail bond before the concerned court/before the Ld. MM/Duty MM/Link MM within 15 days of the Court becoming functional and in case the bail bond is not furnished within 15 days of the courts becoming functional, the bail shall be deemed to be cancelled. Once the personal bond is furnished by the applicant/accused to the satisfaction of the Jail Superintendent, this order shall be considered as the release order and the applicant/accused be released forthwith, if not wanted in any other case.

The application is disposed of accordingly.

Copy of the order be given dasti/sent through e-mail to the learned counsel for the applicant/accused and to the IO/SHO concerned and be also sent to the Jail Superintendent for information and compliance.

Order be also uploaded on the website.

(MOHINDER VIRAT)

ASJ-03 & Special Judge (Companies Act)
Dwarka Courts (SW)/New Delhi/31.07.2020