

Bail Application
IA No. 01-2024
State Vs. Ram Niwas Saini
FIR No. 0100/2024
PS : Chhawla
U/s : 436 IPC

06.07.2024

Present: Shri Dushyant Siwatch, Ld. Addl. Public Prosecutor for the State.
Ld. counsel for the applicant/accused.
Shri Madhup Kumar, counsel for the complainant (through VC).
IO SI Bhagwan Singh in person.

The applicant/accused Ram Niwas Saini has moved the 2nd bail application under Section 439 Cr.P.C. for grant of bail.

During the course of arguments, it has been argued on behalf of applicant/accused that applicant/accused has been falsely implicated in the present case and the charge-sheet has been filed. It is submitted that there is a delay of four days in registration of FIR. It is further submitted that the FSL result is still awaited and trial will take considerable time. It is further submitted that no motive has been accorded on the applicant/accused in the entire charge-sheet. It is submitted that applicant/accused stayed in the house of complainant with the consent of complainant and there is no truth in the allegations alleged against him. It is submitted that accused is ready to abide by any condition imposed while grant of bail and it is prayed that applicant/ accused be granted bail.

Reply has been filed by the IO.

The present application has been opposed by Ld. Addl. PP for the State and counsel for the complainant on the

ground that the allegations against the applicant/accused are serious in nature and there is possibility that applicant/accused may threaten the complainant and her family, if granted bail. It is prayed that present application be dismissed.

Arguments heard. Record perused. Considered.

Perusal of the record reflects that charge-sheet has been filed in the present case and FSL result is awaited. Further, the allegations against the applicant/accused are that he set ablaze the said house of the complainant at about 03:34 am and threaten the complainant. It is alleged that one of the messages sent by applicant/accused was found to be from the mobile phone of the daughter of the complainant which was in the possession of applicant/accused. It is further stated that the 4 ATM cards and one mobile phone has been recovered from the possession of applicant/accused. Charge-sheet has been filed in the present case and trial will take considerable time and applicant/accused is in custody since 04.04.2024, therefore, in view of the aforesaid facts and circumstances, no useful purpose would be served by keeping the applicant/accused behind bars. Hence, the applicant/accused is granted bail on furnishing of personal bond in the sum of Rs. 50,000/- with one local surety of like amount to the satisfaction of Court and subject to following condition :-

- a) Applicant will report to the IO on first Monday of every month after being released on bail till the examination of public witnesses is completed and shall not leave the city without prior permission of the Court.
- b) Applicant shall appear before the Court as and when the matter is taken up for hearing.
- c) Applicant shall not indulge in any criminal activity and shall not

communicate with or come in contact with the complainant or witnesses or any family members of the witnesses.

- d) The applicant/accused will keep his mobile phone switched on at all times alongwith GPS location and the same is made available to IO at all times.

Applicant/accused shall furnish bail bond in terms of judgment passed by Hon'ble Delhi High Court in Crl.M.C.5328/2013 titled Sunil Tyagi Vs. Govt. of NCT of Delhi. Accordingly, the present application U/s 439 Cr.P.C seeking grant of regular bail filed on behalf of applicant/accused is allowed.

Nothing expressed hereinabove shall tantamount to any opinion on merits of this case.

Hard copy of the order be sent to concerned Jail Superintendent through Dak Dispatch and Soft copy be also e-mailed in terms of judgment of Hon'ble Supreme Court in case titled SMWP (Crl.) No.4/2021 in Re Policy Strategy for grant of bail vs. Mr. Gaurav Agrawal, Adv. Amicus Curiae.

Copy of order be also given dasti to Ld. counsel for applicant and IO, as prayed for.

(Gurmohina Kaur)
ASJ-05/South-West District,
Dwarka Courts/New Delhi
06.07.2024