

Bail Matters 18/2025
STATE Vs. ABRAR ALIAS SHAHNAWAZ
FIR No. 210/2024
PS (Crime Branch-South Delhi)
U/s 221/ 132/121(1)/ 109(1)/(111)/317(2)/317(4) /317(5)/3(5)
BNS & 25/27 Arms Act.

17.01.2025

Vide office order no. Judl.II/F.102/South/Saket/2024 /40048-0069 dated 30.11.2024 of Ld. Principal District and Sessions Judge, South District, Saket Courts Complex, New Delhi, bail roster and other urgent applications have been assigned to the undersigned.

Application U/s 483 of BNSS, 2023 (439 Cr.P.C) for grant of bail on behalf of the applicant.

Present: Sh. A.T. Ansari, Ld. Addl. PP for the State.
Ms. Pooja Id. Counsel for the applicant.

Reply to the bail application received.

Arguments heard.

Ld. Counsel for the applicant/ accused submitted that applicant was arrested on 23.10.2024 and since then he is in JC. It has also been submitted that the applicant has been falsely implicated and he has nothing to do with commission of the alleged offence. It is further submitted that the charge-sheet has already been filed and no useful purpose will be served by keeping the accused behind the bar. It is also stated that nothing incriminating has been recovered from his possession, investigation is complete and that the applicant/accused is no more required for custodial interrogation. Further more, there is no chance of absconding or tampering with the prosecution evidence, therefore, he may be released on bail.

Ld. APP has vehemently opposed the bail application moved by the Ld. Counsel for the accused. He submitted that there

are grave apprehension that the applicant/ accused may threaten and influence the prosecution / public witnesses and may tamper with evidence if he is enlarged on bail. Hence, it is prayed that bail application may be dismissed.

I have considered the submission of Ld. Counsel as well as Ld. APP and have gone through the record.

In the present case the FIR has been registered for the incident dated 21/22.10.2024, when on receiving an information regarding auto lifter Farman, Crime Branch laid a trap at Jafar Mahal Road, Mehrauli. The team signaled the occupant of a car, to stop, on which one of the occupant, who was sitting next to driver seat fired towards raiding team, however, car stopped when one of the police officials fired at the tyre of the car. Lastly Farman was overpowered by police officials, but during scuffle Insp. Kamal got injury in his hand. Four persons including Farman were apprehended. Recovery of weapons and articles was also made from them.

During investigation at the instance of accused Farman on 25.10.2024, applicant was apprehended and from his possession one Fortuner Car was recovered which he claimed to have purchased from other co-accused person. Further, during his PC remand 3 other stolen cars were recovered which he again claimed to have purchased from Abrar.

In the present case, applicant has no involvement in FIR No. 210/2024 and only recovery of Fortuner Car was made from his possession which was stolen from PS Rajender Nagar, Delhi area. The applicant/accused has remained in JC for more than 03 months and custodial interrogation of accused is no more

required. Charge-sheet has already been filed and investigation qua him is complete. Further, it may be noted that there is fundamental presumption of innocence in a criminal case and an accused is presumed innocent unless proved guilty.

Considering the facts and circumstances of the case, period of incarceration and charge-sheet has already been filed, I do not find any reason in such circumstances to decline bail for this accused. The bail of accused / applicant is allowed with following directions:-

1. Accused shall be released on bail on furnishing bail bond and surety bond to the tune of Rs. 20,000/- to the satisfaction of the concerned Magistrate/Duty MM.
2. The applicant/accused shall not flee from justice.
3. Applicant shall not threaten or contact in any manner to the prosecution witnesses.
4. The accused shall not hamper/tamper with the evidence.
5. In case of change of address, applicant shall immediately furnish his fresh address in the court.
6. He shall appear on each and every date during the trial.
7. The accused shall not indulge in any similar kind of offence or any other offence.

Bail application stands disposed of accordingly.

A copy of this order be given Dasti to both the sides.

(Purshotam Pathak)
ASJ-05(South), Saket Courts, Delhi
17.01.2025