

SC no. 02/2020
FIR No. 300/2019
PS Naraina
State Vs. Kasim Ansari & Ors.

01.03.2021

Present Sh. S.K.Kain, learned Addl.PP for the State with IO SI Sushil Malik.

All the accused persons produced in J.C except accused Bal Kishan, who are on bail.

Accused Bal Kishan is absent today, an application seeking exemption from his personal appearance is filed on his behalf by his counsel Sh.Hans Raj Singh, allowed for today only.

Supplementary charge sheet filed. Copy of the same supplied to the accused persons.

Arguments heard on charge and record perused.

It is apparent from the record that offence was conjointly committed by all the five accused persons, four accused went inside the house and the other one remained at the gate ; all five were also seen together at the Entry Gate having some discussion immediately prior to the commission of the offence, which is reflected from the CCTV footage and the ocular evidence brought on record. In fact, the fifth person, seen in the footage alongwith the co-accused, is the servant of the complainants who had shared all the information regarding complainant and his family members with his co accused with the intend to commit the offence. Therefore, to contend that only four persons were inside the house when the actual offence was allegedly committed hence the offence of dacoity is not made out in the present case is untenable in the eyes of law.

Thus, after considering the material placed before me in the form of ocular and documentary evidence, I am of the considered opinion that prima facie case for the offences punishable u/s

395/397/411/412/34 IPC r/w Section 120-B IPC and S.25 of Arms Act, 1959 is made out against the accused persons.

Accordingly, charge for the alleged offences be framed against the accused persons.

Today, one of the accused, **Bal Kishan**, is absent, hence, charge is not framed.

Adjourned for appearance of accused and framing of charge on **10.03.2021**.

(Anil Antil)
ASJ-04/NDD/PHC/ND
01.03.2021

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One application u/s 439 Cr.P.C for seeking interim bail on the ground of illness of applicant/accused Fardeen Sidqui @ Shammi has been filed, which is fixed for today.

Present Sh. S.K.Kain, learned Addl.PP for the State with IO SI Sushil Malik.

Momin Fazal, learned counsel for applicant/accused

Medical status report filed.

Heard and record perused.

It is submitted by the learned counsel for the applicant/accused that he is suffering from some problem in his ears, is also having difficulty in hearing and that proper treatment is not provided to the applicant in the Jail, hence, two months interim bail be granted to him for seeking proper treatment at his own expenses outside the jail.

As per the medical status report received, it is stated that at present inmate is clinically stable and his vitals are within normal limits ; earlier also he was taken to LNJP hospital for Audiology Test, and Senior Resident ENT in LNJP hospital diagnosed the inmate with Right Moderate SNHL (Sensory Neural Hearing Loss) for which hearing aid was advised alongwith appropriate medications. It is stated that hearing aid for the inmate is under procurement process through proper channel which shall be provided to him as and when received and inmate is kept on regular follow up from jail visiting ENT Senior resident.

In view of the report of the Medical Officer, Incharge Central Jail, 05, in backdrop of the nature of offence and accusation, I am not inclined to grant interim bail on the ground of illness to accused Fardeen Siddiqui. Accordingly, his interim bail application is disposed off as dismissed.

Ordered accordingly.

Copy of the order be given dasti, as per rules.

(Anil Antil)
ASJ-04/NDD/PHC/ND
01.03.2021