

**E FIR No.567/21
PS Rajouri Garden
State Vs. Tirlangi Shankar Rao &
Ors.
u/s 379/411 IPC**

07.07.2021

Proceedings through VC

Present: Ld. APP for the state.

Sh. K.K. Singh, Ld. Remand Advocate.

Sh. Abhinav Garg, Ld. Counsel for the applicant.

IO HC Vinod Kumar is present.

This order shall dispose of the common bail application filed by the accused persons/ applicants namely Girish D.K. S/o Sh. Krishnappa and Tirlangi Shankar Rao, S/o Appadu u/s 437 CrPC.

Reply has been file by the IO. **Copy of the reply be supplied to Ld. Counsel for the accused persons via e-mail/ whatsapp.** The IO submits that both the accused persons have clean antecedents but have made disclosure pertaining to 19 E-FIRs. The IO further submits that the accused persons were arrested by the Special Staff, Crime Branch, East, in Kalandra in 41.1 A CrPC. Upon inquiry, the IO submits that the accused persons were apprehended in a godown (Warehouse) in Seelampur, East Delhi.

Ld. Counsel for the accused persons submit that the accused persons have been falsely implicated in the present case. Ld. Counsel has submitted that the accused persons have gone to the godown for the inspection of the scrap material, of which their employer Bharti Tele Network Company Vishakhapatnam is a bonafide purchaser. It is further submitted that the bills annexed with the bail application show that the accused persons had bonafidely purchased the scrap material for their employer, but the latter was thereafter seized as stolen property in a police raid, and the accused were arrested. It is

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submitted on behalf of the accused that they are not guilty of the offence of theft alleged against them, and they are ready and willing to furnish a sound surety and abide by any condition imposed upon them, if admitted to bail.

Ld. APP for the state submits that any order as per law may be passed.

Heard. Record perused. Considered.

This Court is mindful of the proposition that bail is a rule and jail is an exception. As held by **Hon'ble Supreme Court of India** in the judgment titled **State of Rajasthan, Jaipur vs Balchand @ Baliay 1978 SCR (1) 538**, "**The basic rule is bail, not jail, except-where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like by the petitioner who seeks enlargement on bail from the Court.**"

Perusal of the record reveals that the accused persons are languishing in custody since 17.06.2021, on which date they were arrested when found in possession of the case property at the warehouse, as per the submissions of the IO. Recovery has already been effected. Even as per the IO, the accused persons have clean antecedents. The pending FIRs against the accused persons pertaining to the same transaction, and the complainant qua all the FIRs is common. The reply filed by the IO does not show any cogent ground requiring the pre-trial detention of the accused persons. Further, the Superior Courts have directed that steps be taken for decongestion of prisoners in view of the surge in cases on account of the pandemic. Considering the situation arising out of the pandemic as well as the overall circumstance of the case, both the accused persons namely **Girish D.K. S/o Sh. Krishnappa, R/o H.No.48, 4 Cross, Parvati Nagar Medhalli, PS Krishan Raj Puram, Banglore** and **Tirlangi Shankar Rao, S/o Appadu, R/o Lakan Puram, H. No. 9-1A, PS Garuguhalli** are admitted to bail on their furnishing of personal bond in the sum of Rs. 20,000/- each with one surety each of the like amount and further subject to the condition that accused persons shall join the investigation as and when required,

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shall not commit any other offence of similar nature, shall not contact the complainant/witnesses in any manner and desist from doing anything which may hamper the due process of law. **Bail bond not furnished.** Bail application disposed of accordingly.

Let a hard copy of the application, its reply and misc documents be filed on the record within one week of the resumption of regular functioning of the Courts. Further, let a copy of the order be uploaded on the website of District Courts forthwith. Copy of the order be sent to Jail Superintendent concerned via official email ID for intimation.

Copy of the order be given *dasti* to Ld. counsel for accused persons.

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