

FIR No.545/21
PS Rajouri Garden
State Vs. Rishi
u/s 379/411/34 IPC

14.06.2021

Proceedings through VC

Present: Ld. APP for the state.

Sh. Sushil Kumar, Ld. Counsel for the applicant/ accused.

Fresh vakalatnama has been filed on behalf of the accused.

This is an application for grant of bail to accused Rishi, S/o Nihal Chand u/s 437 CrPC.

Reply has been filed by the IO with the previous involvement report.

It is argued by Ld. Counsel for accused/ applicant that the accused has been falsely implicated in the present case. Ld. Counsel for the accused/ applicant submitted that the accused is a young man of 20, and this case was registered against him on the basis of a false disclosure statement. Benefit of bail is requested and it is submitted that if the benefit of bail is granted to the accused, the accused shall be ready and willing to furnish a sound surety, and shall also be willing to abide by conditions imposed upon him by the court.

Ld. APP for the state has opposed the application on the ground that the offence alleged against the accused is serious.

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."

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The accused was formally arrested in Tihar Jail Complex on 26.05.2021 on the basis of a disclosure statement. The reply of the IO does not show any cogent ground meriting the pre-trial detention of the accused for the purpose of investigation. The previous involvement report also shows that the accused has not been convicted in any of the cases reflected in the report. The reply of the IO states that the mobile phone has been recovered, and the accused had disclosed that he had dropped the said mobile phone being the case property in the present case in Rajender Nagar, where he wanted to attempt another theft. As the case property has been recovered, no useful purpose shall be served by keeping the accused behind the bars. 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, the accused **Rishi, S/o Nihal Chand** is admitted to bail on his furnishing personal bond in the sum of Rs. 10,000/- with one surety of the like amount and further subject to the condition that accused shall join the investigation as and when required, 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.

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(Medha Arya)
MM-02(West)/THC/Delhi
14.06.2021