

FIR No.436/21
PS Rajouri Garden
State Vs. Suraj @ Chussi
u/s 379/411/34 IPC

08.07.2021

Proceedings through VC

Present: Ld. APP for the state.

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

Sh. Monis Ahmed alongwith Sh. Abdul Aziz, Ld. counsel for the accused/ applicant.

This is an application for grant of bail to accused Suraj @ Chussi, S/o Jai Kishore, R/o TC Camp 509, Raghubir Nagar, Delhi u/s 437 CrPC.

Reply has been filed by the IO HC Vinod Kumar alongwith the previous involvement report of the accused.

It is argued by Ld. counsel for accused/ applicant that the accused has been falsely implicated in the present case. It is submitted that neither the accused was arrested from the spot nor any recovery has been made from the accused. It is further submitted that the reply of the IO to the effect that the recovery was made at the instance of the accused is a false allegation. The benefit of bail is requested for the accused 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 submitted 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

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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."

Accused is languishing in custody since 01.06.2021. Even as per the reply of the IO, recovery has already been effected. Whether the recovery of the case property being the battery of the e-rickshaw as well as the mobile phone was made at the instance of the accused or not is a matter of trial. However, at this stage, the reply of the IO does not show any cogent ground meriting the pre-trial detention of the accused. As per the previous involvement report filed by the IO, out of the 05 cases reflected in the report, the accused has already been released w.r.t FIR No. 554/21. Further, the accused has been admitted to bail w.r.t FIR no.971/20. In the remaining three cases also, the accused has not been convicted. As such, the previous involvement report of the accused does not merit further pre-trial detention of the accused. 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 **Suraj @ Chussi, S/o Jai Kishore, R/o TC Camp 509, Raghbir Nagar, Delhi** 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.

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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/
applicant.

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