

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/  
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 1884/21

FIR No. 211/21

U/s 308/323/341/34 IPC

P.S. Timarpur

State Vs. Raju

28.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**Present application u/s 438 Cr.P.C. has been filed on behalf of accused Raju for grant of anticipatory bail.**

Present: Sh. Shweta Verma, Ld. Addl. PP for State through VC.

Sh. Rahul Sharma, Ld. Counsel for applicant through VC.

IO/SI Yogender is present through VC alongwith complainants.

Report of IO filed.

Ld. Counsel for the applicant submits that the matter has been compromised with the complainants / injured, and copy of compromise has been placed on record. However, the IO submits that the complainants are present with him in these VC proceedings, and they have denied entering into any settlement with the applicant.

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At this juncture, Ld. Counsel for applicant seeks permission to withdraw the present anticipatory bail application with liberty to file fresh. Permitted. Accordingly, the present anticipatory bail application stands dismissed as withdrawn.

Order be uploaded on the website.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/28.07.2021**

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/  
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 1883/21

FIR No. 211/21

U/s 308/323/341/34 IPC

P.S. Timarpur

State Vs. Narender Singh @ Nandu

28.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**Present application u/s 438 Cr.P.C. has been filed on behalf of accused Narender Singh @ Nandu for grant of anticipatory bail.**

Present: Sh. Shweta Verma, Ld. Addl. PP for State through VC.

Sh. Rahul Sharma, Ld. Counsel for applicant through VC.

IO/SI Yogender is present through VC alongwith complainants.

Report of IO filed.

Ld. Counsel for the applicant submits that the matter has been compromised with the complainants / injured, and copy of compromise has been placed on record. However, the IO submits that the complainants are present with him in these VC proceedings, and they have denied entering into any settlement with the applicant.

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At this juncture, Ld. Counsel for applicant seeks permission to withdraw the present anticipatory bail application with liberty to file fresh. Permitted. Accordingly, the present anticipatory bail application stands dismissed as withdrawn.

Order be uploaded on the website.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/28.07.2021**

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/  
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 1962/21

FIR No. 543/21

U/s 308/341/506/34 IPC

P.S. Burari

State Vs. Pankaj Kumar

28.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**Present application u/s 439 Cr.P.C. has been filed on behalf of accused Pankaj Kumar for grant of regular bail.**

Present: Sh. Shweta Verma, Ld. Addl. PP for State through VC.

Sh. Kashmir Singh, Ld. Counsel for applicant through VC.

IO/ASI Sanjeev Kumar is present through VC.

Report of IO filed.

Ld. Counsel for applicant has filed compromise deed dated 27.07.2021 executed between the complainant/victim and present applicant.

IO is directed to verify the said compromise deed and report on NDOH.

Put up for consideration on 02.08.2021.

Order be uploaded on the website.

**(Arul Varma)  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/28.07.2021**

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/  
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 1984/21

FIR No. 164/21

U/s 419/420/34 IPC

P.S. Bara Hindu Rao

State Vs. Qasim Jojo Jafri

28.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**Fresh application u/s 439 Cr.P.C. has been filed on behalf of accused Qasim Jojo Jafri for grant of regular bail.**

Present: Sh. Shweta Verma, Ld. Addl. PP for State through VC.

Sh. Sanjeev Malik, Ld. Counsel for applicant through VC.

Ld. Counsel for applicant requests the matter to be adjourned for tomorrow as he is desirous of filing the copy of order passed by Ld. MM dismissing the bail application of the applicant herein.

Let report of IO be called for 29.07.2021.

Order be uploaded on the website.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/28.07.2021**

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/  
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 1955/21  
FIR No. 164/21  
U/s 419/420/411/201/34 IPC  
P.S. Bara Hindu Rao  
State Vs. Fatima Ali

28.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**Present application u/s 438 Cr.P.C. has been filed on behalf of accused Fatima Ali for grant of anticipatory bail.**

Present: Sh. Shweta Verma, Ld. Addl. PP for State through VC.  
Sh. Rajesh Dua, Ld. Counsel for applicant through VC.  
IO/Inspector Gurnam Singh is present through VC.  
Report of IO filed.

On the previous date of hearing interim protection from arrest was given to the applicant till today subject to her joining investigation. Report has been received from the SHO, P.S. Bara Hindu Rao stating that the applicant did not join the investigation on 26.07.2021 at 4 PM, and DD entry no. 48A dated 26.07.2021 has been recorded in this regard.

During the course of arguments Inspector Gurnam Singh had submitted that yesterday Ld. Counsel for applicant had sent via WhatsApp the Aadhar Card of the applicant Fatima Ali. This was not the import of order

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dated 26.07.2021 passed by this Court. Sending of Aadhar Card of the applicant through WhatsApp is a misnomer for 'cooperating' in the investigation. Investigation has many further facets, including, and not limited to, verbal communication, visiting the precincts of the applicant etc. Thus, the investigating agencies are at liberty to visit the house of the applicant for conducting proper investigation.

At this juncture, Ld. Counsel for applicant submitted that police officials may be instructed to visit the house of the applicant in plain clothes. This submission cannot be countenanced, for law nowhere proscribes wearing of uniform while conducting investigation. This is not the case where a juvenile is involved. Thus, the police are at liberty to visit the house of the applicant and conduct investigation or inquiry in uniform, duly accompanied by lady officers, as the applicant herein is a lady.

In the meantime, upon an assurance that the applicant will fully cooperate with the investigating agencies, interim protection from arrest is hereby granted till the NDOH.

Put up for consideration on 09.08.2021.

Order be uploaded on the website.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/28.07.2021**



**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/  
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 1911/21

FIR No. 36/21

U/s 392/34 IPC

P.S. Bara Hindu Rao

State Vs. Asif @ Lamboo

28.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**Present application u/s 439 Cr.P.C. has been filed on behalf of accused Asif @ Lamboo for grant of regular bail.**

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.

Sh. Narender Kumar, Ld. Counsel for applicant through VC.

IO/SI Ganga Pal is present through VC.

Reply of IO has been received.

**ORDER ON BAIL APPLICATION**

1. Vide this order, this Court shall adjudicate upon the bail application filed on behalf of the accused. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant/accused contended that applicant has been falsely implicated in the present case. Further, it was contended that applicant is in J/C since 12.03.2021. He further submitted that charge sheet in this case has already been filed and investigation qua the

present applicant is complete. Thus, the applicant ought to be granted anticipatory bail.

3. *Per contra*, Ld Addl. PP for the State alongwith with the IO, vehemently opposed the anticipatory bail application as per law. It was submitted that recovery has been effected. Further, it was submitted that the applicant is a BC (bad character) of the area, and he has been previously involved in 13 cases. IO submitted that he is the Division Officer of the area, and the applicant/accused is infamous for his notoriety, and for creating mayhem in the locality.
4. In rebuttal Ld. Counsel for applicant submitted that out of 13 cases, applicant has already been acquitted in 9 cases.
5. Before adverting to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: It was alleged by the complainant that on 09.03.2021 accused Asif @ Lambu came to his restaurant and threatened him and snatched the money from his pocket when complainant opposed, then accused hit him and robbed Rs. 5,000/- from his pocket and took away the R/C of his vehicle. During the course of investigation accused Asif @ Lambu was arrested from gali thele wali and from his possession, Rs. 2,050/- (looted money) and R/c of the vehicle have been recovered.
6. Adverting to the rival contentions of both sides, a perusal of the record reveals that allegations of committing robbery after hitting the complainant have been levelled against the applicant. It is matter of record that the robbed money and RC of the vehicle have already been recovered from the possession of the applicant. Thus, recoveries have

already been effected. With respect to the contentions of the State qua previous involvements of the applicant herein, a perusal of SCRB report reveals that the applicant has been acquitted in 9 cases, and in one case he has already undergone the sentence awarded to him. Thus, apart from this case, there is only one more case pending i.e. FIR No. 111/2013, U/s 302 IPC, P.S. Bara Khamba Road where the status of applicant is mentioned in the SCRB as 'traced'. This FIR does not pertain to P.S. Bara Hindu Rao. A perusal of the SCRB would also reveal that all the other cases against the applicant are of old vintage. Apart from this case, there seem to be no recent involvements of the applicant. Ordinarily, previous involvements of an applicant weigh in the mind of the Court, and the tilt is towards dismissal of bail applications, however in the present case, for the aforementioned reasons, the previous involvements are not being considered. As far as the apprehension that the applicant may create further nuisance in the area is concerned, appropriate directions are being mentioned in this order to take care of such eventuality.

7. Under these circumstances, this Court is of the considered view that no purpose would be served in keeping the accused in custody any longer. Accordingly, the accused Asif @ Lamboo is admitted on bail on furnishing bail bond and surety bond of Rs 20,000/- with one surety of like amount to the satisfaction of Ld CMM/Ld. MM/Ld. Link MM/Ld. Duty MM as the case may be, subject to the following conditions:
- i. He shall not establish any contact with the complainant or any other witness, nor try threaten influence, intimidate etc. any witness.
  - ii. He shall not hamper the trial or investigation in any manner.

- iii. He shall furnish his present and permanent address with supporting documents alongwith affidavit/undertaking to inform about ant change qua the same, without any delay, to the IO/Court.
  - iv. He shall join the investigation/attend trial without default.
  - v. He shall report to the SHO, P.S. Bara Hindu Rao, and mark his presence, on every Monday at 6 PM for a period of two months from today.
8. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the bail application stands disposed off.
9. Copy of the order be uploaded on the website of the District Court.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/28.07.2021**

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/  
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 1885/21  
FIR No. 220/2020  
U/s 380/454 IPC  
P.S. Subzi Mandi  
State Vs. Manish

28.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**Present application u/s 439 Cr.P.C. has been filed on behalf of accused Deepak for grant of regular bail.**

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.  
Sh. S.P. Sharma, Ld. Counsel for applicant through VC.

**ORDER ON BAIL APPLICATION**

1. Vide this order, this Court shall adjudicate upon the bail application filed on behalf of the accused. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant / accused strenuously canvassed that the applicant is in J/C since 19.06.2021, and despite taking him on police custody remand for one day, nothing was recovered from his possession, or at his instance. It was submitted that applicant

has been implicated in the present case only on account of his previous involvements. Lastly it was submitted that no purpose would be served in keeping him in custody any longer.

3. *Per contra*, Ld Addl. PP for the State vehemently opposed the bail application as per law. It was submitted that previous involvements of the applicant should disentitle him for grant of bail. It was further submitted that eye witnesses and complainants identified the applicant in the CCTV footage.
4. Submission heard record perused.
5. A perusal of the record reveals that allegations of theft of valuable gold articles and a sum of Rs. 1.45 lakhs have been levelled against the applicant. The applicant has allegedly been identified by the complainants herein in the CCTV footage. A perusal of the record further reveals that the accused is previously involved in as many as 7 cases. It is apparent that the applicant / accused has not mended his recalcitrant ways, lending credence to the apprehensions of the IO that he may commit offences of similar nature, if enlarged on bail. It has also been brought to the fore that investigation is still underway.
6. Under these circumstances, taking into the account the gravity of the offence, severity of the punishment that the offence entails and the role attributed to the accused herein, this Court is of the opinion that the accused ought not to be granted bail at this juncture. Accordingly, the present bail application is hereby

dismissed.

7. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the bail application stands disposed off.
8. Copy of the order be uploaded on the website of the District Court.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/28.07.2021**

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/  
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 1916/21

FIR No. 141/21

U/s 457/380/411/34 IPC

P.S. Timarpur

State Vs. Salman

28.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**Present application u/s 438 Cr.P.C. has been filed on behalf of accused Salman for grant of anticipatory bail.**

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.

Ms. Ritu, Ld. Counsel for applicant through VC.

IO/ASI Bhushan is present.

Report of IO received.

**ORDER ON ANTICIPATORY BAIL APPLICATION**

1. Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the applicant. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant /accused submitted that applicant has no previous involvements. It was further submitted that applicant is living with is parents. It was strenuously canvassed by Ld. Counsel for applicant that if the applicant herein was involved in any manner, then the police would have



arrested him by now. It was lastly submitted that principles enunciated in Arnesh Kumar Vs. State are applicable in the present case, and thus applicant ought to be granted anticipatory bail.

3. *Per contra*, Ld Addl. PP for the State alongwith the IO, vehemently opposed the anticipatory bail application as per law. It was submitted that applicant was the main conspirator, and the one who facilitated the commission of the crime by informing his cohorts about the factum of no one being present in the house of the complainant Kapil.

4. Before adverting to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: It is submitted that this case was registered on the statement of the complainant Mr. Kapil regarding theft of his house hold articles i.e. Air conditioner, LED TV, Freeze, Washing Machine, Double Bed, Gas cylinders, gold necklace of about 5 tola & cash Rs. 50,000/- etc. by breaking of lock of his house. During investigation, on the information of secret informer two persons Chetan and Avinash@ Cheeta were apprehended and one air conditioner has been recovered from accused Chetan and Two LPG Gas cylinders have been recovered from accused Avinash @ Cheeta. One Tempo TATA Age No. DL-1LR-8372 has been seized in the case which was used to carrying the stolen case property. Both the accused have been arrested in the case on 18/05/21. Accused Chetan @ Avinash has disclosed that Salman applicant herein has called them. All the accused persons reached at the house of Salman i.e. Jhuggi No. 126, Shriram Basti, Gandhi Vihar, Delhi, where Salman informed them that his neighbor's house is closed and there are valuable property inside. He also asked to give his share after theft. Co-accused Sachin, Vishal @ Kalu are absconding along with remaining stolen case property. Accused Salman is

the main accused person who had information of complainant's house. He had planned burglary with the help of other accused persons. Salman is absconding in the case.

5. During the course of arguments it was submitted by the IO that the applicant alongwith his associates had hatched the plan to commit theft in the house of the complainant. The said meeting took place in the jhuggi of applicant Salman. Prima facie the complicity of Salman in the facilitation of the crime has been brought to the fore by the investigating agency. It seems that custodial interrogation of applicant Salman is imperative to complete the investigation. Moreover, it was brought on record that applicant has not been cooperating with the investigating agencies.

6. Regarding the issue of cooperation with the investigating agencies, it would be apposite to reproduce the following extracts of ***Bhadresh Bipin Bhai Sheth Vs. State of Gujarat & Anr., (2016) 1 Supreme Court Cases 152:-***

*“The principles for grant of anticipatory bail can be summarised as follows:-*

*(i).....*

*(ii).....*

*(iii) It is imperative for the courts to carefully and with meticulous precision evaluate the facts of the case. The discretion to grant bail must be exercised on the basis of the available material and the facts of the particular case. In cases where the court is of the considered view that the accused has joined the investigation and he is fully cooperating with the investigating agency and is not likely to abscond, in that event, custodial interrogation should be avoided. A great ignominy, humiliation and disgrace is attached to arrest. Arrest leads to many serious consequences not only for the accused but for the entire family and at times for the entire community. Most people do not make any distinction between arrest at a pre-conviction stage or post-conviction stage.....”*

7. Under these circumstances, taking into the account the gravity of the offence, severity of the punishment that the offence entails, factum of the applicant not joining or cooperating with the investigation and the role attributed to the applicant herein, this Court is of the opinion that the accused ought not to be granted anticipatory bail at this juncture. Accordingly, the present anticipatory bail application is hereby dismissed.

8. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the anticipatory bail application stands disposed off.

9. Copy of the order be uploaded on the website of the District Court.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/22.07.2021**

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/  
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 1981/21  
FIR No. 0180/2021  
U/s 379/356/34 IPC  
P.S. Bara Hindu Rao  
State Vs. Ajay Kumar

28.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**Present application u/s 439 Cr.P.C. has been filed on behalf of accused Ajay Kumar for grant of regular bail.**

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.  
Ms. Raymon Singh, Ld. Counsel for applicant through VC.  
IO/HC Harender is present through VC.

**ORDER ON BAIL APPLICATION**

1. Vide this order, this Court shall adjudicate upon the bail application filed on behalf of the accused. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant / accused submitted that applicant has been falsely implicated in the present case. It was strenuously canvassed by Ld. Counsel for applicant that applicant merely

accompanied co-accused Azhar @ Zuber to an eatery shop, and had no inkling that such an offence of snatching would be committed by co-accused Azhar @ Zuber. He further submitted that, unlike other co-accused, applicant herein has clean antecedents, and all the members of his family are gainfully employed, thus obviating the compulsion of the applicant to commit such crime. It was further submitted that applicant did not flee from the spot unlike co-accused Azhar @ Zuber. It was argued that role of the applicant should not be compared to that of co-accused persons. Lastly, it was submitted that applicant is in J/C since 22.06.2021, and thus he ought to be granted bail.

3. *Per contra*, Ld Addl. PP for the State alongwith IO vehemently opposed the bail application as per law. It was submitted that co-accused Azhar @ Zuber snatched the mobile phone of the complainant and handed it over to a habitual offender named Pawan, against whom process u/s 82 Cr.P.C. has already been initiated. It was submitted that applicant herein facilitated the commission of the crime and thus he ought not to be granted bail.
4. Submission heard record perused.
5. There are a catena of judgments which lay down, in unequivocal terms, that bail is the rule and jail is the exception. The leitmotif discernible from a perusal of such judgments lead to an inference that the primary objective of bail is *inter alia* to secure presence of the applicant at the time of trial. Liberty of an individual is to be

zealously guarded, and for this purpose Courts act as sentinels on the *qui vive*, ensuring undue incarceration is prevented. In this case too, this Court is of the perception that the continued incarceration of the applicant may not be in the interests of justice. The reasons are expounded in the subsequent paragraphs.

6. A perusal of the record reveals that the motorcycle in question does not belong to the applicant herein rather it belongs to co-accused Pawan, and the same has already been seized by the police. Thus, on this score, no further recovery is to be effected. Further, as per the version of the prosecution itself, the snatched mobile phone was handed over by co-accused Azhar @ Zuber to Pawan, thus it is explicit that no recovery is to be effected from the applicant herein. A perusal of record further points out to the complicity of co-accused Azhar @ Zuber and Pawan in other crimes. However, the reply is conspicuously silent qua the commission of any such previous offence by the applicant herein. This Court is thus inclined to concur with the submissions of Ld. Counsel for applicant, that he should not be painted with the same brush.
7. During the course of arguments it was also vociferously argued by Ld. Counsel for applicant that applicant herein did not flee from the spot, rather he remained thereat with the motorcycle. Further, it is pertinent to note that the apprehensions of the IO that applicant may threaten the witnesses have not been substantiated.

Also, considering the fact that applicant Ajay has never been previously involved in the commission of an offence, this Court cannot rely on the mere *ipse dixit* of the IO that the applicant would again commit an offence if enlarged on bail. Significantly, it was brought to the fore that the applicant is a young, 20 years old man, and this Court cannot overlook this fact, coupled with the factum of previous clean antecedents of the applicant.

8. Under these circumstances, this Court is of the considered view that no purpose would be served in keeping the applicant in custody any longer. Accordingly, the accused Ajay Kumar is admitted on bail on furnishing bail bond and surety bond of Rs 20,000/- with one surety of like amount to the satisfaction of Ld CMM/Ld. MM/Ld. Link MM/Ld. Duty MM as the case may be, subject to the following conditions:

i. He shall not establish any contact with the complainant or any other witness, nor try threaten influence, intimidate etc. any witness.

ii. He shall not hamper the trial or investigation in any manner.

iii. He shall furnish his present and permanent address with supporting documents alongwith affidavit/undertaking to inform about any change qua the same, without any delay, to the IO/Court.

iv. He shall join the investigation/attend trial without default.

9. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the bail application stands disposed off.
10. Copy of the order be uploaded on the website of the District Court.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/28.07.2021**