

\$~116 to 120, 122, 123 & 132

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

**116.**

+ BAIL APPLN. 1107/2022  
SUNNY

..... Applicant

Through: Mr. Maninder Singh, Sr. Adv. with  
Mr. Neeraj, Mr. Ripudaman  
Bhardwaj, Mr. Piyush Beriwal, Mr.  
Sunender Mogha, Mr. Himanshu  
Sethi and Mr. Pranav Sehgal, Advs.

Versus

STATE OF N.C.T. OF DELHI

..... Respondent

Through: Mr. Sanjay Lao, SC with Ms. Nandita  
Rao, ASC, Mr. Amit Ahlawat, APP,  
Mr. Karan Jeot Rai Sharma and Mr.  
Gagan Kumar, Advs. for State with  
Inspectors Ajay Kumar Sharma,  
Rupesh Kumar Khatri and SI Parveen  
Kumar and Inspector Satish Kumar,  
E.O.W.

**117.**

+ BAIL APPLN. 1108/2022  
RAJU KUMAR SINGH

..... Applicant

Through: Ms. Sonia Mathur and Mr. Maninder  
Singh, Sr. Advs. with Mr. Anurag  
Ahluwalia, and Mr. K.K. Tyagi, Mr.  
Amit Tiwari, Mr. Sushil Pandey, Ms.  
Perna Dhall, Mr. Simranjeet Singh  
Saluja and Mr. Abhigyan Siddharth,  
Advs.

Versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Sanjay Lao, SC with Ms. Nandita  
Rao, ASC, Mr. Amit Ahlawat, APP,  
Mr. Karan Jeot Rai Sharma and Mr.  
Gagan Kumar, Advs. for State with  
Inspectors Ajay Kumar Sharma,  
Rupesh Kumar Khatri and SI Parveen

Kumar and Inspector Satish Kumar,  
E.O.W.

**118.**

+ BAIL APPLN. 1111/2022  
NEERAJ DIXIT

..... Applicant

Through: Mr. Amit Sharma, Sr. Adv. with Mr.  
K.K. Tyagi, Mr. Satya Ranjan Swain,  
Mr. Sanket Gupta, Mr. Nishant  
Kumar Tyagi and Mr. Atulya Anand,  
Advs.

Versus

STATE OF N.C.T. OF DELHI

..... Respondent

Through: Mr. Sanjay Lao, SC with Ms. Nandita  
Rao, ASC, Mr. Amit Ahlawat, APP,  
Mr. Karan Jeot Rai Sharma and Mr.  
Gagan Kumar, Advs. for State with  
Inspectors Ajay Kumar Sharma,  
Rupesh Kumar Khatri and SI Parveen  
Kumar and Inspector Satish Kumar,  
E.O.W.

**119.**

+ BAIL APPLN. 1113/2022  
PRADEEP KUMAR TIWARI

..... Applicant

Through: Mr. Kirti Uppal, Sr. Adv. with Mr.  
Pradeep Sharma, Mr. D.D. Sharma,  
Mr. Raj Kumar, Mr. Abhay Kumar  
and Mr. Dharmendra Tyagi, Advs.

Versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Sanjay Lao, SC with Ms. Nandita  
Rao, ASC, Mr. Amit Ahlawat, APP,  
Mr. Karan Jeot Rai Sharma and Mr.  
Gagan Kumar, Advs. for State with  
Inspectors Ajay Kumar Sharma,  
Rupesh Kumar Khatri and SI Parveen  
Kumar and Inspector Satish Kumar,  
E.O.W.

**120.**

+ BAIL APPLN. 1114/2022  
NAVEEN KUMAR ..... Applicant  
Through: Mr. Ajay Burman, Sr. Adv. with Mr.  
Ankit Verma, Mr. Avnish Kumar, Mr.  
P.S. Singh, Mr. Ajeet Yadav, Mr.  
Neeraj, Mr. Amit Tiwari and Mr.  
Atulya Anand, Advs.  
Versus  
STATE OF N.C.T. OF DELHI ..... Respondent  
Through: Mr. Sanjay Lao, SC with Ms. Nandita  
Rao, ASC, Mr. Amit Ahlawat, APP,  
Mr. Karan Jeot Rai Sharma and Mr.  
Gagan Kumar, Advs. for State with  
Inspectors Ajay Kumar Sharma,  
Rupesh Kumar Khatri and SI Parveen  
Kumar and Inspector Satish Kumar,  
E.O.W.

**122.**

+ BAIL APPLN. 1148/2022  
BABLU KUMAR SINGH ..... Applicant  
Through: Mr. Sunil Dalal, Sr. Adv. with Mr.  
Vijay Joshi, Mr. Subhash Tanwar,  
Mr. Rajesh Mishra and Mr. Deepak  
Tanwar, Advs.  
Versus  
STATE OF N.C.T OF DELHI ..... Respondent  
Through: Mr. Sanjay Lao, SC with Ms. Nandita  
Rao, ASC, Mr. Amit Ahlawat, APP,  
Mr. Karan Jeot Rai Sharma and Mr.  
Gagan Kumar, Advs. for State with  
Inspectors Ajay Kumar Sharma,  
Rupesh Kumar Khatri and SI Parveen  
Kumar and Inspector Satish Kumar,  
E.O.W.

**123.**

+ BAIL APPLN. 1149/2022  
CHANDRAKANT BHARDWAJ ..... Applicant  
Through: Mr. Pavan Narang, Mr. Anil Soni,

Mr. Vedansh Anand, Ms. Manisha Saroha and Ms. Pratibha, Advs.

Versus

STATE OF N.C.T. OF DELHI

..... Respondent

Through: Mr. Sanjay Lao, SC with Ms. Nandita Rao, ASC, Mr. Amit Ahlawat, APP, Mr. Karan Jeot Rai Sharma and Mr. Gagan Kumar, Advs. for State with Inspectors Ajay Kumar Sharma, Rupesh Kumar Khatri and SI Parveen Kumar and Inspector Satish Kumar, E.O.W.

**132.**

+ BAIL APPLN. 1125/2022

JITENDER SINGH BISHT

..... Applicant

Through: Mr. Ajay Dignpaul, Mr. Anurag Ahluwalia, Mr. Rudra Paliwal, Mr. Karambir Singh and Mr. Sahaj Garg, Advs.

Versus

STATE OF N.C.T. OF DELHI

..... Respondent

Through: Mr. Sanjay Lao, SC with Ms. Nandita Rao, ASC, Mr. Amit Ahlawat, APP, Mr. Karan Jeot Rai Sharma and Mr. Gagan Kumar, Advs. for State with Inspectors Ajay Kumar Sharma, Rupesh Kumar Khatri and SI Parveen Kumar and Inspector Satish Kumar, E.O.W.

**CORAM:**

**HON'BLE MS. JUSTICE ASHA MENON**

**ORDER**

%

**12.04.2022**

**CRL.M.A. 6523/2022 in BAIL APPLN. 1107/2022, CRL.M.A. 6533/2022 in BAIL APPLN. 1108/2022, CRL.M.A. 6537/2022 in BAIL APPLN. 1111/2022, CRL.M.A. 6542/2022 in BAIL APPLN. 1113/2022, CRL.M.As. 6543/2022 in BAIL APPLN. 1114/2022, CRL.M.A. 6772/2022 in BAIL APPLN. 1148/2022, CRL.M.A. 6773/2022 in BAIL**

**APPLN. 1149/2022 & CRL.M.A. 6625/2022 in BAIL APPLN. 1125/2022  
(all for exemption)**

1. Allowed, subject to just exceptions.
2. The applications stand disposed of.

**BAIL APPLN. 1107/2022 & CRL.M.A. 6524/2022 (for interim relief),  
BAIL APPLN. 1108/2022 & CRL.M.A. 6534/2022 (for interim relief),  
BAIL APPLN. 1111/2022 & CRL.M.A. 6538/2022 (for interim relief),  
BAIL APPLN. 1114/2022 & CRL.M.A. 6544/2022 (for interim relief),  
BAIL APPLN. 1113/2022, BAIL APPLN. 1148/2022, BAIL APPLN.  
1149/2022 & BAIL APPLN. 1125/2022**

3. Since the eight applicants are accused in the same FIR bearing No.200/2022 dated 30<sup>th</sup> March, 2022 registered under Sections 186/188/353/332/143/147/149 IPC and Section 3 of the Prevention of Damage to Public Property Act, 1984 (for short 'PDPP Act'), Police Station Civil Lines, Delhi, all these applications shall be disposed of vide this common order.

4. The FIR was registered when a protest was held near the residence of the Chief Minister of Delhi (CM Residence for short) despite the Deputy Commissioner of Police, Delhi declining permission to the applicants to hold such a protest. It is also the case in the FIR that the applicants had jumped police barricades installed at the CM Residence and the same were broken and an attempt was made to force entry into the residence. The Police Officials, it is claimed, were obstructed and criminal force used on them and a few of them had sustained injuries.

5. It may be further noted that the Duty Metropolitan Magistrate had dismissed the bail applications of the accused persons on 31<sup>st</sup> March, 2022 and had remanded them to judicial custody. Similarly, the bail applications

filed before the learned Additional Sessions Judge were also dismissed vide order dated 4<sup>th</sup> April, 2022.

6. Mr. Kirti Uppal, learned senior counsel for the applicant in Bail Application No.1113/2022 submitted that following the judgment of the Supreme Court in *Munawar Vs. State of M.P.* 2021 (3) SCC 712, since the police had failed to issue a notice under Section 41A Cr.P.C., as mandated by the Supreme Court in *Arnesh Kumar Vs. State of Bihar* 2014 (8) SCC 273, the applicants ought to have been straightway admitted to interim bail. However their bail applications have been improperly rejected by the learned Duty Metropolitan Magistrate and the learned Additional Sessions Judge.

7. It is further submitted that the learned Additional Sessions Judge had in fact noticed in the order dated 29<sup>th</sup> March, 2022 (placed on record as Annexure A-3 in Bail Application No.1107/2022) had observed that in fact the provisions of Section 41A Cr.P.C. had not been complied with by the Police, but found that an advisory to the Deputy Commissioner of Police to take departmental action was sufficient to meet the ends of justice. It was further submitted that under Section 41(1)(a) Cr.P.C. the Police could arrest a person immediately, if he was committing a cognizable offence in their presence.

8. Referring to the FIR, the learned senior counsel submitted that the allegations are that initially the protesters were sitting on 'dharna' in front of the I.P. College. They also had a tempo in their possession. Since the crowd was increasing and nearly 200 people assembled there, the Police placed barricades and crowds were repeatedly requested to desist from breaking the barricading. Thereafter, some of the protesters moved towards

the CM Residence to do 'gherao'. The police tried to stop them at the Flag Staff Road with barricades, but the protesters broke those barricades and moved further.

9. It is the contention of the learned senior counsel that when the two sets of barricades were jumped over by the protesters, cognizable offences under which the FIR has been registered could be said to have been committed in the presence of the Police Officials and yet, no arrests were made. Therefore, the provisions of Section 41A Cr.P.C. kicked in and in terms of the judgment of *Arnesh Kumar* (supra), the Police had to issue notice before seeking to arrest the applicants. It was submitted that the applicants were arrested later in the night between 9.00 and 9.30 P.M. from their houses. Thus, the statutory requirements have been given a go by. The learned senior counsel further pointed out that several others have been issued such notices under Section 41A Cr.P.C. and they have joined investigations. Therefore, there was no reason why the applicants should continue to remain in judicial custody.

10. It was further urged by the learned senior counsel that the applicants have remained for 13 days in judicial custody and the concern of the learned Additional Sessions Judge that the period of police remand had not expired could no longer be held to be true as today is the 14<sup>th</sup> day of judicial custody of the applicants. It was submitted that the applicants were young persons with clean antecedents. Hence, it was prayed that they be admitted to bail.

11. Mr. Ajay Burman, learned senior counsel for the applicant in Bail Application No.1114/2022 submitted that during the period that the applicant has remained in judicial custody the Police have made no efforts whatsoever to carry out any interrogation of the applicant. It is further

submitted that no weapons were in the hands of the applicant or any of the protesters and therefore there was no recovery that was required to be effected. Moreover, the witnesses were Police Officials and there was CCTV footage which was in the custody of the police themselves. It was submitted that most of the offences are bailable offences, punishable with imprisonment ranging from 3 months to 3 years except for the offence under PDPP Act which was punishable with a maximum term of 5 years. Therefore, the police were bound to have issued a notice under Section 41A Cr.P.C. before effecting the arrest of the applicant.

12. With regard to Section 149 IPC which has now been added in the FIR, it is only an enabling provision and would not add or detract from the alleged seriousness of the offences in respect of which the applicant is in judicial custody. It was submitted that no further investigations were pending and there could be no possibility of the applicant tampering with any evidence which was in the custody of the police themselves. The learned senior counsel also argued that no arrest had been made on the spot under Section 41(1)(a) Cr.P.C. and the crowd had disappeared. Everyone had gone home from where the applicants were subsequently arrested in the night. Thus, the prosecution cannot now claim, as they have in the Status Report, that Section 41(1)(b) Cr.P.C. was applicable and those conditions were satisfied and the arrests rightly made.

13. The learned senior counsel submitted that a speaking order was required under Section 41(1)(b) Cr.P.C. where the Police Officer had to satisfy himself of the existence of certain pre-conditions and to record his reasons in writing as to why he was making the arrest. Thus, it was submitted that there was no justification for the prosecution to insist that the

accused be not granted bail. Reliance has also been placed on the order dated 28<sup>th</sup> October, 2021 of a learned Single Bench of this Court in Cont.Cas.(C) No.480/2020 titled *Rakesh Kumar Vs. Vijayanta Arya (DCP) & Ors.* where the court held the police to be in contempt for non-compliance of the directions issued in *Arnesh Kumar* (supra) and the non-issuance of notice under Section 41A Cr.P.C.

14. Ms. Sonia Mathur, learned senior counsel for the applicant in Bail Application No.1108/2022 also drew attention of the Court to page No.10 of the order of the learned Additional Sessions Judge where there was reference to pendency of investigations to determine whether other offences have been committed including under Section 149 IPC. The learned senior counsel submitted that now Section 149 IPC has also been added, but since it was only an enabling provision, nothing turned on the same. She also underlined that no weapon, no brick bat, nothing had been used or recovered. In fact the protest was only a peaceful one and some sloganeering took place but the protesters were merely sitting outside the residence of the Chief Minister of Delhi. The applicant had already suffered 13 days' incarceration and being a young person being subjected to long periods of detention could be counter-productive. It is further argued that the applicant has not been named in the FIR and the identification is on the basis of the statement of witnesses and the CCTV footage which was in the custody of the police. Therefore, there was no possibility of tampering. Hence, she prayed that bail be granted.

15. Mr. Amit Sharma, learned senior counsel for the applicant in Bail Application No.1111/2022 pointed out that the applicant in this case was in fact found fit to be granted a 5 days interim bail to enable him to attend the

marriage of his sister between 16<sup>th</sup> April, 2022 to 21<sup>st</sup> April, 2022. It was further urged that there was no supporting material in the Status Report to substantiate the statement of the police that the applicant would be tampering with the evidence or he was a flight risk. Therefore, none of the conditions prescribed in Section 41(1)(b) Cr.P.C. existed in the present case and therefore, the applicant be granted bail.

16. Mr. Pavan Narang, learned counsel for the applicant in Bail Application No.1149/2022 also underlined the arguments that Section 41(1)(b) Cr.P.C. was not applicable to the facts of the present case. As the offence was allegedly committed in the presence of the police, when they did not apprehend the protesters at the spot as required under Section 41(1)(a) Cr.P.C., there was no choice left but to arrest only after notice under Section 41A Cr.P.C. had been issued. Non-compliance, therefore, entitled the applicant to bail.

17. Mr. Maninder Singh, learned senior counsel for the applicant in Bail Application No.1107/2022, Mr. Sunil Dalal, learned senior counsel for the applicant in Bail Application No.1148/2022 and Mr. Ajay Digpaul, learned counsel for the applicant in Bail Application No.1125/2022 have adopted the arguments made by the learned senior counsel for the applicants hereinbefore.

18. Mr. Sanjay Lao, learned Standing Counsel (Criminal) for the respondent/State submitted that the learned Single Judge of this court in order dated 22<sup>nd</sup> August, 2017 in W.P.(C) No.7180/2017 titled ***Civil Lines Resident Welfare Association (Regd.) and Anr. Vs. GNCT of Delhi and Ors.*** (copy of the said order has been handed over in the court) had specifically directed the police to ensure that adequate steps were taken for

keeping the residential roads free for traffic movement. They were also directed to restrict the '*dharnas*' and protest in the residential area in question and to ensure that no unnecessary inconvenience is caused to the public at large on account of any such protest. Therefore, the Deputy Commissioner of Police had declined permission to the protesters to hold their '*dharna*', despite which and in disobedience of such orders, they had organised the protest.

19. Not only they did so, but they also crossed the barricades and when the police re-enforcement came, they ran away from the spot. On the basis of the CCTV footage, the applicants were arrested. It was submitted that the CCTV near the CM Residence was also broken and 4 policemen were injured. It was submitted that the opinion on the MLC of two policemen were disclosed to be 'simple' but the head injury on two other policemen were yet to be determined and if they are found to be 'dangerous', then further sections would be added. It was also submitted that investigations have not concluded as the staff at the CM Residence were remaining to be examined and their statements recorded. Therefore, it would be pre-mature to release the applicants on bail.

20. It was further submitted that there was a fear of repetition of the offence and therefore Section 41(1)(b) Cr.P.C. was applicable. The foundation for this fear was a tweet of a Member of Parliament of the Bhartiya Janta Party who apparently threatened not to spare the Chief Minister of Delhi till he apologised for the comments made by him in the Floor of the House. The learned Standing Counsel (Criminal) submitted that if at all the protesters did not like the comments, they had all the freedom to raise the issue in the Parliament or in the Assembly but had no right to come

on to the road and outside the residence of the Chief Minister to protest and create a law and order situation by scaling the gates and walls. It was further submitted that the youth of the applicants was inconsequential considering the acts done by them. Hence, it was submitted that the applications be rejected.

21. In response, Mr. Kirti Uppal, learned senior counsel on behalf of the applicants submitted that politics ought to be kept out of the arguments, inasmuch as the applicants were seeking remedies under law. Thus, the FIR itself showed no criminal intent and no one was alleged to have been armed with any weapon. There was a peaceful protest and if at all there was any violation of the law, they would face trial, whereas, there was no ground whatsoever to deny them bail.

22. I have heard the submissions of all the learned senior counsel and counsel for the applicants as also the submissions of the learned Standing Counsel (Criminal) for the respondent/State and have considered the material on record and the case law cited.

23. It is clear that the arguments have been centralized on the non-compliance of Section 41(1)(a) of the Cr.P.C. A learned Single Judge of this Court has underlined the need for strict adherence to the directions in *Arnesh Kumar* (supra) and the issuance of notice under Section 41A Cr.P.C. and has held that not only should the notice be issued, but the notice must also be in the format prescribed and be a mere intimation. In *Arnesh Kumar* (supra), the following directions had been issued:

*“11. Our endeavour in this judgment is to ensure that police officers do not arrest the accused unnecessarily and Magistrate do not authorise detention casually and mechanically. In order to ensure what we have observed above, we give the following*

*directions:*

*11.1. All the State Governments to instruct its police officers not to automatically arrest when a case under Section 498-A IPC is registered but to satisfy themselves about the necessity for arrest under the parameters laid down above flowing from Section 41 CrPC;*

*11.2. All police officers be provided with a check list containing specified sub-clauses under Section 41(1)(b)(ii);*

*11.3. The police officer shall forward the check list duly filled and furnish the reasons and materials which necessitated the arrest, while forwarding/producing the accused before the Magistrate for further detention;*

*11.4. The Magistrate while authorising detention of the accused shall peruse the report furnished by the police officer in terms aforesaid and only after recording its satisfaction, the Magistrate will authorise detention;*

*11.5. The decision not to arrest an accused, be forwarded to the Magistrate within two weeks from the date of the institution of the case with a copy to the Magistrate which may be extended by the Superintendent of Police of the district for the reasons to be recorded in writing;*

*11.6. Notice of appearance in terms of Section 41-A CrPC be served on the accused within two weeks from the date of institution of the case, which may be extended by the Superintendent of Police of the district for the reasons to be recorded in writing;*

*11.7. Failure to comply with the directions aforesaid shall apart from rendering the police officers concerned liable for departmental action, they shall also be liable to be punished for contempt of court to be instituted before the High Court having territorial jurisdiction;*

*11.8. Authorising detention without recording reasons as aforesaid by the Judicial Magistrate concerned shall be liable for departmental action by the appropriate High Court.”*

24. Thus, the view of the courts have been that non-compliance of *Arnesh Kumar* (supra) and non-issuance of notice under Section 41A Cr.P.C. would amount to contempt being committed by the concerned Police Officer and would also justify the release on bail of an accused as held in *Munawar* (supra). It has been the endeavour of the State to convince this Court that the arrest has been under Section 41(1)(b) Cr.P.C. However, it is clear that there has been no adherence to the requirements of this Section, at the time of the arrest of the applicants.

25. A reading of Section 41(1)(b) Cr.P.C. would show that the police can act against a person and effect his arrest when a reasonable complaint has been made or credible information has been received or reasonable suspicion exists that he has committed a cognizable offence punishable with imprisonment for less than 7 years or may extend to 7 years with or without fine. But additionally, the Police Officer has to be “satisfied” of the “existence” of other conditions, namely, that he has reason to believe on the basis of such complaint/information or suspicion that the person had committed the said offence. Secondly, he must be “satisfied” that such arrest was “necessary” to prevent such a person from committing any further offence or for proper investigation of the offence or to prevent such person from causing the evidence of the offence to disappear or tamper with such evidence in any manner. The further conditions justifying arrest would be to prevent the person from making any inducement or threat to any person acquainted with the facts or that his presence in the court whenever required cannot be ensured. Most importantly, the Police Officer is to record, while making such arrest, his reasons in writing. There is no such written document where the Investigating Officer has recorded his satisfaction on

the existence of the conditions aforementioned and as provided for under Section 41(1)(b) Cr.P.C.

26. Irrespective, it may be considered whether the grant of bail in the present case to the applicants would result in any of these situations. It is indeed farfetched to claim that a repeat offence would occur because of a tweet. Therefore, there is no material on which any Police Officer could be satisfied that the applicants were required to be prevented from committing any further offence.

27. As to proper investigations, the witnesses are the policemen who were on duty and the staff of the CM Residence and the CCTV footage, which has been preserved. There is no dispute that others have been issued notices under Section 41A Cr.P.C., pursuant to which, they are joining investigations. Thus, the continued detention of the applicants in judicial custody is clearly not required for proper investigation of the offences.

28. As noticed, since the nature of the evidence is such, there is no possibility of the applicants tampering with the evidence or inducing or threatening any witness. Furthermore, nothing has been brought on the record by the respondent/State which suggests that the applicants would not appear before the court when required.

29. At this juncture, the arguments regarding the applicability of Sections 41(1)(a) Cr.P.C. and 41(1)(b) Cr.P.C. may also be dealt with. There is force in the contention of learned senior counsel for the applicants that when as per the FIR, the barricades were jumped over by the applicants in the presence of the police, they could have been arrested then and there under Section 41(1)(a) Cr.P.C.. However, admittedly, all the applicants have been arrested subsequently at night around 9.00 or 9.30 P.M from their homes.

Clearly, therefore, Section 41(1)(a) Cr.P.C. has not been applied and unless the conditions prescribed in Section 41(1)(b) Cr.P.C. were stated to exist, the police before arresting the applicants, had no choice but to have issued notices under Section 41A Cr.P.C.

30. To determine whether the applicants are entitled to bail, an in-depth and detailed analysis of the nature of the allegations is not called for. The FIR itself records that initially the protestors gathered outside the I.P. College and that as the crowd swelled the members of the Bhartiya Janta Yuva Morcha started moving forward but significantly there is no mention of any weapon or arms nor of any call for violence. The FIR merely states that the applicants jumped the barricades. It is also stated that the police sought to reason with them but they did not listen to the police and kept moving towards the CM Residence. There is reference to jostling, during which some policemen have received injuries. Four policemen stated to be injured are not hospitalised. Their MLCs have also been collected, only the opinion in respect of two policemen, is awaited.

31. With regard to the damage caused to public property, which cannot be at any stage certainly overlooked, but the facts are to be considered to reckon what damage has been caused. Here, the allegations are that the protestors have vandalised some of the CCTV cameras and an arm of a boom barrier and had also smeared paint on the main gate of the CM Residence. There is no allegation of damage to public property through arson and fire or other means on a scale that would clearly be a far more serious matter than what has been alleged against the applicants. The applicants are mostly in their twenties except for three who are older.

32. The applicants have been in custody for 14 days, today being the 14<sup>th</sup>

day. The evidence collected so far are of such a nature that the applicants cannot tamper with it. Others who had been identified in the photos have been issued notices under Section 41A Cr.P.C and are also participating in the investigations. Thus, the continued custody of the applicants in jail is not called for only because some investigations are still going on.

33. In the totality of the facts and circumstances of the case, this Court therefore allows the bail applications and grants bail to all the applicants on each of them furnishing a personal bond and a surety bond each for a sum of Rs.35,000/- to the satisfaction of the learned Ilaqa Metropolitan Magistrate and subject to the further following conditions:

- (i) The applicants shall not leave NCT of Delhi without intimating the SHO concerned;
- (ii) The applicants shall not go beyond the NCR Region, without the permission of the concerned SHO/or the learned Trial Court after commencement of trial;
- (iii) The applicants shall not directly or indirectly contact the complainant or any other witnesses under any circumstance and any such attempt shall be construed as an attempt at influencing the witnesses;
- (iv) The applicants shall furnish their mobile phones/landline numbers and residential addresses as well as that of their sureties to the I.O./SHO concerned and both shall keep their mobiles/landline phones operational at all times during this period and in the event of any change of the same, will immediately inform the same to the I.O./SHO; and,
- (v) The applicants shall drop a pin location on Google Maps so

that the location of the applicants is available to the Investigating Officer.

34. The bail applications stand disposed of along with the pending applications.

35. Copy of this order be forwarded to the jail for information to the applicants as also to the learned Trial Court electronically.

36. The order be uploaded on the website forthwith.

**ASHA MENON, J.**

**APRIL 12, 2022**

'bs'