

State vs. Bhupender Tomar @ Pinki Chaudhary  
FIR No. 152/2021  
U/S: 188/269/270/153A/120B/34 IPC &  
Sec.3 of Epidemic Disease Act, Sec.51(b)  
of Disaster Management Act  
PS: Connaught Place

30.09.2021

This is bail application filed u/s 437 Cr.P.C on behalf of the accused/applicant Bhupender Tomar @ Pinki Chaudhary.

Present: Ld. Substitute APP for the State through VC.  
Mr. Sanket Katara and Mr. Pradeep Chauhan, Ld. Counsel for the accused/applicant Bhupender Tomar @ Pinki Chaudhary through VC.  
IO SI Ramkesh through VC.

Ld. Counsel for the accused/applicant has argued that accused has been falsely implicated in the present case and is in JC since 30.08.2021. Ld. Counsel has further submitted that accused is not a previous convict and is not named in the FIR and opponents wants to tarnish the reputation of the applicant being National President of Hindu Raksha Dal. Ld. Counsel for accused/applicant has further submitted that applicant neither organized any protest nor was involved in raising inflammatory slogans or making any provocative speeches and he only visited the program as he was invited as a guest. He has further submitted that the accused/applicant is no longer required for the interrogation and even offence u/s 153A IPC is not made out against the accused/applicant. He has further submitted that the accused has been arrested in violation of section 41A of the Cr.P.C and hence deserves to be released on bail. Ld. Counsel also submitted that three main co-accused namely Preet Singh, Ashwani Upadhyay and Deepak have already been granted bail and hence applicant has to be released on parity ground. It is further argued by Ld. Counsel that on the day of protest programme, applicant stayed at spot till 12.30 PM and thereafter he left the spot due to heavy rain and alleged viral video are circulated on social media at about 4.00 PM.

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In support of his contention Id. counsel for applicant has relied upon the judgment of Hon'ble Supreme Court in case of *Bilal Ahmed Kaloo Vs. State of AP* reported in 1997(7) SCC pg. 431; *Ramesh vs. Union of India* reported in 1988(1) SCC pg.688; *Patricia Mukhim vs. State of Meghalaya & Ors* Crl.Appeal NO.141/2021; judgment of Hon'ble Apex Court in case of *Arnesh Kumar vs. State of Bihar & Anr.* 2014 8 SCC pg.273.

Reply filed by the IO. Perused.

Ld. Substitute APP for the State has opposed the bail application stating that the act, committed by the accused/applicant, is prejudicial to the national integration and communal harmony. He has also submitted that the accused does not have any clean antecedents and is not at parity with co-accused, who has been granted bail.

Arguments heard. Record perused.

Hon'ble High Court of Delhi vide order dt. 24.09.2021 has released co-accused Preet Singh on bail while noting that co-accused Preet Singh has left the spot at around 2.00 PM whereas the inflammatory slogans were raised at around 4.00 PM on the location and that co-accused Preet Singh has no longer required for custodial interrogation. Since the present accused/applicant Bhupender Tomar @ Pinki Chaudhary is stated to have left the spot of meeting at 1.29 PM and is also not required for interrogation, the court is of the view that he deserves to be released on bail on account of parity with co-accused Preet Singh.

Accordingly, the accused/applicant Bhupender Tomar @ Pinki Chaudhary be released on bail on his furnishing bail bond in the sum of Rs.50,000/- with two sureties in the like amount, to the satisfaction of concerned Jail Superintendent/concerned court/Duty MM on the following conditions:

a) The accused shall not temper with the evidence nor will he try to contact the witnesses.

b) The accused shall not commit an offence similar to the offence of which he is accused or suspected of the commission of which he is suspect.

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c) The accused/applicant shall not leave the country without permission of the court and shall not contact/communicate with any of the witnesses in the present case.

Application stands disposed off. Copy of the order be sent to Ld. Counsel for the accused/applicant, SHO concerned and concerned Jail Superintendent through e-mail.

**(PRAYANK NAYAK)**  
**MM-01/ND/PHC/N.DELHI**  
**30.09.2021**