

IA no.31/21
SC no.119/20
State Vs Nasir
FIR no.60/20
PS Dayalpur

06.09.2021

THROUGH WEBEX VIDEO CONFERENCING

Present: Sh.Amit Prasad, Ld.Special PP for the State.
Sh.Dinesh Tiwari, Ld.Counsel for accused Nasir/applicant.

ORDER

1 The Ld.Counsel for the applicant has submitted that co-accused Furkan having similar role has already been admitted to bail by the Hon' ble High Court of Delhi vide judgment dt.03.09.21 in bail application no.2411/21. In order to establish parity, the Ld.Counsel for the applicant has referred to para no.11, 33 and 45 of the judgment passed by the Hon' ble High Court of Delhi, which are reproduced as under:-

XXXXX

"11. It has further been submitted to the Court by Mr. Tiwari that the Petitioner has been in judicial custody since 01.04.2020 and has not even received interim bail. The Court has been informed that the Petitioner is 26 years of age and is the sole bread earner of a family with aged parents.

33. It is also revealed from the perusal of the chargesheet that the Petitioner was not seen in any of the video footage retrieved from the Scene of Crime, i.e. the video from Skyride, the video taken by Vishal Chaudhary which was shot from Gym Body Fit Garage, and the video from Yamuna Vihar.

45. The presence of the Petitioner in the video footage with a danda in his hand near his residence also does not justify the continued

incarceration of the Petitioner, and the authenticity of the same is not to be delved into at this point and is a matter of trial. The fourth chargesheet has already been filed, and trial in the matter is likely to take a long time. This Court is of the opinion that it would not be prudent to keep the Petitioner behind bars for an undefined period of time at this stage. The Petitioner has roots in society, and, therefore, there is no danger of him absconding and fleeing”.

Xxxxx

2 Per contra, the Ld.Special PP has argued that the difference between role of co-accused Furkan and the applicant is that the applicant was seen in the CCTV camera of gali no.2 of Chand Bagh with a stick and he was found running towards Scene of Crime (SOC).

3 I have given thoughtful consideration to the arguments advanced at bar by both the sides and I am of the considered opinion that role of the applicant is similar to the role of co-accused Furkan in this matter. The applicant Nasir s/o Sh.Ayub is accordingly, admitted to bail on the following conditions: -

a) The applicant shall furnish a personal bond in the sum of ₹35,000/- with one surety of the like amount.

b) The applicant shall not leave NCT of Delhi without prior permission of this Court.

c) The applicant shall report to the concerned Police Station every Tuesday and Thursday at 10:30 AM and should be released after completing the formalities within half an hour.

d) The applicant is directed to give all his mobile numbers to the Investigating Officer and keep them operational at all times.

e) The applicant has given his address in the memo of parties as

House No. E-105 ,Gali No. 2, Chand Bagh, Delhi. The applicant is directed to continue to reside at the same address. In case there is any change in the address, the applicant is directed to intimate the same to the IO.

f) The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witnesses.

g) The applicant shall appear before the court on each and every date of hearing in terms of the conditions of bail bond.

h) Violation of any of these conditions will result in the cancellation of the bail given to the applicant.

4 It is hereby clarified that anything stated hereinabove shall not be construed as expression of any opinion on the final merits of the case.

5 The bail application stands disposed of.

(VINOD YADAV)
ASJ-03(NE)/ KKD COURTS/06.09.2021