

IN THE COURT OF SH. AMITABH RAWAT,
ADDITIONAL SESSIONS JUDGE-03,
SHAHDARA DISTRICT, KKD COURT, DELHI

Bail Application No. 480/2021
FIR No. 41/2021
PS-Seema Puri

U/S.307/147/148/149/186/332/353/188/427/269/270 IPC r/w Section 03 of
Prevention of Damage to Public Property Act, r/w Section 51(b) of Management
Act 2005 r/w Section 3 of Epidemic Disease Act, 1897
State Vs. Ashish Kumar (Farmer Riots Case)

01.03.2021

Present: Sh. Vikas Kumar, Ld. Addl. Public Prosecutor for the State
Sh. Arun Sharma, Ld. Counsel for the applicant/accused
Ashish Kumar.
IO/Inspector Prashant Anand with case file.

Arguments have been heard again.

Record perused.

The case of the prosecution is that the applicant participated in Tractor rally organized on 26.01.2021 alongwith others. It is urged that the unlawful assembly on 26.01.2021 indulged in violence, damaged public property and attempted to run over the police personnel with tractors.

It is argued by the Id. Counsel for the applicant/accused that the applicant has been falsely implicated in the present matter and he has been in judicial custody since 26.01.2021. It is further argued that no purpose would be served by keeping the applicant/accused in custody. Benefit of bail is requested.

Ld. Addl. PP for State has vehemently opposed the bail application of the applicant/accused on the ground that offences against the applicant/accused are serious in nature.

Submissions heard.

The ground of bail calls for balancing the paramount right of the individual i.e. right to liberty on one hand and right of the investigating agency to investigate. As per the case of the prosecution on 26.01.2021 applicant was

detained at Chintamani Chowk since at around 12.50 pm around 500 protesters on tractors rally and cars were coming from Apsara Border flyover and they had broken the barricade in the violent manner. People driving tractors had tried to run over the police personnel. However, there is no specific role assigned to the accused in as much as the accused himself is not alleged to have attempted to kill or hurt the police personnel deployed in law and arrangement duty. The best case of the prosecution is that he had participated in the said rally/unlawful assembly on 26.01.2021 at the relevant time thereby attracting imputation u/s. 149 IPC. The applicant/accused was driving in his Scorpio Car and the same has been seized from the place of incident in damaged condition. The accused is in custody since 26.01.2021 and no purpose will be served by keeping him in custody any further. There is no previous record of the accused nor there are any chances of him tampering with the evidence.

Considering all the facts and circumstances, I admit the accused Ashish Kumar to bail subject to furnishing personal bond in the sum of Rs.15,000/- with one local surety of the like amount to the satisfaction of Ld. MM/Link MM/Duty MM subject to the following conditions:

- (a) The accused shall not contact the witnesses in the present case or try to influence any witness of this case.
- (b) Applicant and surety shall inform the court immediately on change in residential addresses.

Application is disposed off accordingly.

Let copy of this order be sent to Ld. Counsel for the accused, Special Prosecutor, IO/SHO/DCP concerned for information.

(AMITABH RAWAT)
Addl. Sessions Judge-03,
Shahdara District,
Karkardooma Courts,
Dated: 01.03.2021.