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28/12/19

DASTI

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IN THE COURT OF SH. MANISH YADUVANSHI: ADJ-11 :  
VACATION JUDGE: CENTRAL DISTRICT, THC: DELHI

1. Bail Application No. 7230/19 (2878/19)

FIR No. 250/19

PS Darya Ganj

U/s 147/148/149/436/427/323/186/353/332/120B/34 IPC & Sec.3/4

Prevention of Damage to Public Property Act, 1984.

State Vs. Zaid Ali

2. Bail Application No. 2879

State Vs. Rehan Khan

3. Bail Application No. 2873

State Vs. Amir

4. Bail Application No. 2875

State Vs. Mohd. Danish

5. Bail Application No. 2877

State Vs. Mohd. Asfaq

6. Bail Application No. 2874

State Vs. Haider Ali

7. Bail Application No. 2876

State Vs. Danish Malik

8. Bail Application No. 2872

State Vs. Mohd. Athar

9. Bail Application No. 2866

State Vs. Sabeel Ahmed

10. Bail Application No. 2854

State Vs. Abbas Ahmed

11. Bail Application No. 2851

State Vs. Mohd. Ali Ansari



12. Bail Application No. 2850 : 2 :  
State Vs. Furqaan

13. Bail Application No. 2849  
State Vs. Irfanuddin

14. Bail Application No.2853  
State Vs. Atif

15. Bail Application No.2852  
State Vs. Mohd. Shamsher

28.12.2019

**Bail applications have been taken up today being Vacation  
Judge (Central), Delhi.**

Present: Sh Ashok Kumar, Ld.Addl.P.P. for the State  
Sh Siddharth Aggarwal with Ms. Tara Narula and Sh Zahid  
Ali and Sh Dilshan Usmaan, Id counsels for all the applicants.  
IO/SI Mukesh Tomar is present with case file.

**These are 15 bail applications.** The applications at Sr. No. 1  
to 9 are kept today for further arguments and awaiting Parcha 12  
Verification reports which have been filed. The applications at Sr. No. 10 to  
15 are listed for arguments after notice to the prosecution.

The IO has filed reply to all applications and Parcha 12  
Verification reports in applications at Sr. No. 1 to 9.

Submissions are heard.

Police file of the IO is retained.

Ld counsel appearing for accused persons submits that the  
Court may grant opportunity to furnish fresh/correct/appropriate addresses  
of those 8 accused persons whose addresses could not be verified for one or  
the other reason and appropriate order on remaining applications be passed.

**Heard.**



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Put up for orders at 3 p.m.

(Manish Yaduvanshi)  
ADJ-11(C)/Vacation Judge:THC  
Delhi 28.12.2019

**At 3 p.m.**

Present: None.

This shall be a common order with respect to the above noted bail applications under Section 439 Cr.P.C.

It has been argued at the behest of all the applicants that they are in J/C since **21.12.2019**. It is submitted that almost 50 people were detained after the occurrence of the incident at 6 p.m on **21.12.2019** and the FIR was registered after **7 hours** at 1.11 a.m. It is stated that accused persons are not named in the FIR. It is submitted that they are already in detention and arrested at about **6 a.m** whereas the other detenues were released. It is submitted that no P/C was sought and no recovery of dangerous weapon has been made. It is also submitted that the FIR indicate no individual roles of applicants during the incident and that mere presence of the applicants in the area of occurrence does not imply that they are also involved. It is submitted that the applicants are from lower strata of society and their addresses are known. It is submitted that except two applicants namely Amir and Danish Malik, none of the others are involved in any other incident. It is prayed that accused persons may be enlarged on bail after imposing appropriate bail conditions.

On the other hand, ld. Addl. P.P for the State has vehemently opposed the 15 bail applications submitting that **17** police men have been injured in the incident including the area SHO, two Inspectors and the Joint

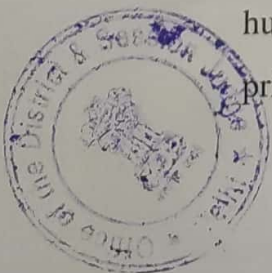


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C.P concerned. It is submitted that the alleged objective of the unlawful assembly was to cause damage/burn the office of DCP (Central) by burning the car parked opposite to it. It is submitted that government/public property i.e. pillars were uprooted and thrown on the car that was burnt. It is submitted that public witnesses have deposed under **Section 161 Cr.P.C** about the incident. It is also submitted that injured police men have clearly identified/named these applicants in their statement under **Section 161 Cr.P.C**. It is also submitted that addresses of as many as **8** applicants are not verified as no such addresses were found to be existing. These applicants are *Sabeel Ahmed, Mohd. Asfaq, Rehan Khan, Atif, Haider Ali, Mohd. Zahid, Mohd. Shamsher* and *Mohd. Ali*. It is submitted that offences are heinous/serious and investigation is still in progress.

Upon the said argument, Id counsel for defence submitted that if given an opportunity, the above noted applicants whose addresses could not be verified, are prepared to rectify and assist the IO in proper verification of their addresses and therefore, to that extent, their bail applications may be adjourned with appropriate directions while the remaining 7 applications may be decided.

I have considered the above submissions. It is to be noted that during the alleged incident of rioting that took place on the fateful evening of 21.12.2019 that percolated from previous date i.e. 19.12.2019 on account of congregation of thousand of people who descended at Jama Masjid, Delhi with an objective to protest against the recent Citizenship Amendment Act and National Registry of Citizen, the protester spilt over to the area of Darya Ganj, Delhi where their unlawful assembly indulged into rioting; causing hurt to as many as 17 police men; damage to public property as well as the private property and burning of a private car that was parked just adjacent to



the boundary wall of the office of DCP (Central) with a larger objective to cause fire to the said premises.

After careful perusal of the material before me, I am of the considered view that ascertainment of actual involvement of the accused persons in the main incident complained of is required to be ascertained for proper appreciation of argument of defence. Admittedly, the incident was videographed by many and the IO did submit that he is in the process of collating such evidence. Additionally, the main incident took place right opposite the office of the DCP (Central). There is probability of ascertaining the exact role of the applicants by examining the CCTV footage of the CCTV cameras installed in the office of DCP (Central) as well as the adjoining area where the alleged offences took place.

Thus, I am of the further considered view that examining/evaluating the same would be therefore, essential. It can not be lost sight of that the argument made before me is that the applicants had gathered in the area individually for the purpose of offering Namaj at Jama Masjid and otherwise. The Investigating Officer is only banking on statements under Section 161 Cr.P.C and that too, of the affected police men. That does not imply that they could be incorrect. The version of accused persons also needs to be verified.

Thus, the following directions are passed :

- A. *The IO to examine the aspect of CCTV footage and produce CCTV grabs, if any, of the alleged incident in order to ascertain the actual involvement of the applicants in the offences alleged to have been committed by them.*
- B. *The applicants whose Parcha 12 could not be verified may provide alternate address, if any, to the IO who shall*



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*make sincere efforts for obtaining the address verification positively by next date of hearing.*

As time would be required for compliance in right earnest, the further hearing on the applications stands adjourned for **7.1.2020**.

Copy of this order be given **dasti** to ld counsel for applicants and also to the case IO/State.

IO is further directed to provide the copy of the reply filed today to the applicants with respect to Parcha 12 verification reports.

Ordered accordingly. Police file be returned to the IO.

List on **7.1.2020** for further arguments before regular roster.



Attested True Copy  
Branch Incharge  
District & Sessions Judge Office (HQs)  
Section Walker Filing Branch  
The Hazari Courts, Delhi  
28/12/19

*sd/r*  
(Manish Yaduvanshi)  
ADJ-11(C)/Vacation Judge:THC  
Delhi 28.12.2019