

IN THE COURT OF ABHINAV PANDEY, MM WEST/ DUTY MM, TIHAR COURT
COMPLEX, NEW DELHI

FIR No. 250/19

U/s 147/148/149/153-A (II)/436/ 437/323/325/332/363/186/120-B/34 /
188 IPC & Section 3 & 4 PDPPA

PS: Daryaganj (being investigated by Crime Branch)

02.06.2020

At 02.30 pm.

Present: Ld. APP for State.
SI Lichhman on behalf of IO SI Santosh Kumar in person.
Accused Devangana produced after three days PC.

IO has moved an application for judicial remand of accused for 14 days. Accused has not opposed the same. None is present on behalf of the accused. Accordingly, vide order written on the remand application itself, the accused has been remanded to JC for a period of 14 days to be produced on 16.06.2020.

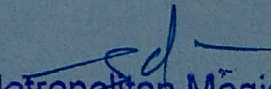
At 02.40 pm, Id. Counsel Mr. Adit S. Pujari and Ms. Tusharika Mattoo have appeared and moved an application for release of the accused on bail. Id. Counsels have stated that the IO did not inform them about the time when he is producing the accused and ignored their phone calls and that is why they could not appear before this Court in time. Id. Counsels have stated that since they are late by a few minutes only, the application for bail should be entertained by the present Court. Accordingly, invoking a wider applicability of para 2 of note no. II of the order of Ld. CMM (Central) dated 31.05.2020, this Court proceeds to hear the bail application moved on behalf of the accused.

It is stated in the bail application that the accused is ready to cooperate in the investigation and is ready and willing to furnish bail and to undertake to comply the any conditions imposed by this Court. It is also been stated in the bail application that the co-accused persons have been granted bail.

The accused allegedly, on the basis of social media posts participated in protest against the NRC bill, but so far as the investigation been carried out till now, no direct evidence attributable to the accused has been found to bring her for the offences u/s 325/353 of IPC. The investigation has been carried out on the basis of details provided in the MLCs conducted of the injured persons, whereupon CDRs were obtained as per which the

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Metropolitan Magistrate
Delhi

accused was found to be present at the scene of occurrence at the time of commission of offence. CCTV footage also reportedly does not specifically show the accused to be involved in any violent activity. Disclosure statement made before the police and the injuries on the person of the accused reflected in the MLC which got conducted by the accused on her own accord, is not sufficient to make a strong prima facie case against the accused so as to deny bail. It is also not been indicated that any incriminating material was recovered from the laptop and the phone which was seized from the accused. In such a situation, the inference whether the accused incited or participated in the mob violence or had intended to participate in a peaceful protest only which later on acquired a violent nature, can only be reached upon after appreciation of evidence in course of trial. Accused is not a habitual offender or a previous convict and the other criminal proceedings pending against the accused relate to the same or similar incidents. Accordingly, this Court is of the opinion that the accused can be released on bail subject to stringent condition which are being laid down as follows:

- (1) The accused will not indulge in a similar activity and will co-operate with the investigating agency.
- (2) The accused will furnish personal bond in the sum of Rs.30,000/- with two local sureties in the same amount;
- (3) The accused will deposit her passport before the Duty MM/ the concerned Court till further orders.

Copy of this order be given dasti to the Id. Counsels.

The application accordingly stands disposed off. The accused, meanwhile be sent to judicial custody till 16.06.2020 until the conditions of bail are complied.



Tarelopy
[Signature]

[Signature]
ABHINAV PANDEY

Duty MM Tihar Court Complex
New Delhi/02.06.2020

Metropolitan Magistrate
Delhi