

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

Bail Application No. 2275-2020

FIR No. 116/2020

PS>Welcome

U/S 143/144/145/147/148/149/307/188 IPC

r/w Section 25/27 Arms Act

State Vs. Kazim

21.11.2020 (Proceedings through Webex).

Present: Sh. Saleem Ahmad, Ld. Addl. PP for State.

Sh. Abdul Gaffar, Ld. Counsel for accused.

I.O/SI Amit Bhardwaj.

Arguments heard on the bail application under Section 439

Cr.P.C filed on behalf of applicant/accused Kazim.

Record including charge-sheet perused.

1. It is submitted by Ld. Counsel for the accused that applicant/accused is 17 years old student and law abiding citizen with clean antecedents. He has been falsely implicated in this case and he is not even named in the FIR. There is no credible evidence against the applicant. Charge-sheet has been filed. He is not flight risk. Moreover, co-accused Zahid Ali is already on bail. Accused is in JC since 19.04.2020. It is prayed that accused may be granted bail on the terms and conditions deemed fit by this court.

2. Ld. Special Public Prosecutor has opposed the bail application

stating that one PCR call vide DD No. 15A dated 02.03.2020 was received in P.S. Welcome regarding admission of injured in St. Stephen hospital. Injured Sajid was examined and he stated that he was going on his cycle rickshaw towards his house at about 2.00 pm dated 25.02.2020 via Vijay Park. When he reached near Kabir Nagar Pulia, some persons rushed to catch him but he started running after leaving the cycle rickshaw there. He felt that something hit him and he became unconscious. Later he was shifted to private clinic where Doctor stated him that a bullet had hit him. Later he went to St. Stephen hospital. The accused was arrested in FIR No. 193/20, P.S. Welcome and he disclosed about his involvement in the present case. Consequently, he was arrested. He was identified by Ct. Pushkar. Charge-sheet in the present case has been filed. It is prayed that bail application of applicant be dismissed.

3. (a) It is seen that in present case, one PCR call vide DD No. 15A dated 02.03.2020 in P.S. Welcome was received regarding admission of injured in St. Stephen Hospital. Injured Sajid in his statement did not identify or name the present applicant/accused Kazim. His statement confirms the incident of 25.02.2020 at about 2.00 PM when he was hit by a bullet near Kabir Nagar Pulia.

(b) There is no public eye-witness who has attributed the role of the accused/applicant Kazim in the present case.

(c) Apart from a disclosure statement, which by itself carries no meaning, there is one statement of Ct. Pushkar who identified the applicant/accused Kazim as one of the rioters in the said incident on 25.02.2020. However, the said statement by a police personnel, given only on 19.04.2020, for the incident of 25.02.2020, is not a strong piece of evidence.

(d) Co-accused persons namely Zahid Ali and Mohd. Fazil have been granted bail by this court.

(e) The applicant/accused is in custody since 19.04.2020.

4. Considering the period of custody and in totality of the facts and circumstances of the case, I allow the present bail application of accused Kazim. Accordingly, accused Kazim is granted bail subject to furnishing of personal bond in the sum of Rs. 15,000/- with one surety in the like amount before the Ld. MM/Link MM/Duty MM.

(a) The accused shall neither leave the jurisdiction of NCT of Delhi without prior permission of the court nor shall he indulge in any kind of criminal activity.

(b) He shall also not tamper with any evidence or contact any witness;

(c) He shall attend the court on every date of hearing or as directed by court.

Application is accordingly disposed off.

Copy of this order be mailed to the counsel for applicant /
accused, Ld. Prosecutor and the concerned I.O.

(Amitabh Rawat)
Addl. Sessions Judge-03
Shahdara District, Karkardooma Courts,
Dated: 21.11.2020