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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ BAIL APPLN. 3202/2020

LIYAKAT ALI ..... Petitioner

Through: Mr. Dinesh Tiwari, Advocate

Versus

STATE GOVT.OF NCT OF DELHI ..... Respondent

Through: Mr. S. V. Raju, ASG, with Mr.  
Amit Mahajan & Mr. Rajat Nair  
SPP with Mr. Shantanu Sharma,  
Mr. Dhruv Pande, Ms. Sairica  
Raju, Mr. A Venkatesh, Mr.Guntur  
Pramod Kumar, Mr. Shaurya R  
Rai, Ms. Zeal Shah, Ms. Aarushi  
Singh, Mr. Anshuman Singh,  
Advocates

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT**

**ORDER**

**03.02.2021**

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The hearing has been conducted through video conferencing.

1. Petitioner is in judicial custody since the date of his arrest on 07.04.2020. He is accused in FIR No. 88/2020, registered at police station Dayalpur, for the offences under Sections 147/148/149/153A/505/307/120B/34 IPC and Sections 27/30 Arms Act.

2. By this petition, petitioner is seeking bail on the ground that he has been falsely implicated in the FIR in question as well as in other two FIRs pending against him. It is submitted on behalf of the petitioner that there is no clinching evidence on record connecting petitioner with the alleged incident and that charge sheet in this case has already been filed and he is

no more required for the purpose of investigation.

3. Upon notice, learned ASG has opposed the present petition stating that petitioner was arrested on 07.03.2020 in case FIR No. 101/2020, registered at police station Khajuri Khas, Delhi. Thereafter, he was arrested on 23.03.2020 in FIR No. 116/2020, registered at police station Khajuri Khas, Delhi and on the statement of witness *Pradeep Verma*, petitioner has been arrested in the present FIR on 07.04.2020.

4. The role attributed to the petitioner in the present FIR is that as per his mobile location, petitioner was present at the spot of alleged incident and allegedly he had pelted stones and instigated rioters to attack people from other community. Allegedly, his son *Riasat Ali* was also involved with him. As per the MLC of injured *Ajay Goswami*, the nature of injuries sustained by him were 'dangerous'.

5. Learned ASG submitted that petitioner is liable for criminal acts committed by the mobs gathered on 25.02.2020 and, therefore, he does not deserve concession of bail and, therefore, this petition deserves rejection.

6. Heard learned counsel representing both the sides.

7. Petitioner is a 63 years old man. Admittedly, no electronic evidence like CCTV footage or videography or photograph has been placed on record to establish petitioner's presence at the spot at the time of alleged incident. Petitioner was arrested on the statement of *Pradeep Verma*, whose first statement was recorded on 28.03.2020 and thereafter, supplementary statement on 23.04.2020. According to his statement, he had seen petitioner pelting stones and actively participating in the riots with the mob. It is an admitted fact that *Pradeep Verma* did not make any

PCR call or complaint to any authority regarding petitioner's involvement prior to 28.03.2020, i.e. the day when his first statement was recorded. Statements of Constable Saudan and Constable Pawan were recorded on 06.06.2020 and 24.03.2020 respectively. They had also not made any complaint or DD entry with regard to incident in question even though they were posted in the area and witnessed the alleged incident. Charge sheet in this case has already been filed and investigation is complete and so, no purpose would be served in keeping the petitioner behind bars.

8. Therefore, without commenting on the merits of the case, petitioner is directed to be released on bail forthwith on his furnishing personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of trial court concerned.

9. Petitioner shall not directly or indirectly influence the witnesses or tamper with the evidence.

10. Trial court shall not get influenced by any observations made in this order.

11. A copy of this order be transmitted to the trial court and Jail Superintendent concerned for information and compliance.

12. The petition is accordingly disposed of.

13. The order be uploaded on the website of this Court forthwith.

**SURESH KUMAR KAIT, J**

**FEBRUARY 03, 2021/r**