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

+ BAIL APPLN. 3733/2021

RIFAQAT ALI

..... Petitioner

Through Mr. Tanvir Ahmad Mir, Ms. Deeksha
Dwivedi, Mr. Kartik Venu, Advocates

versus

STATE (NCT OF DELHI)

..... Respondent

Through Mr. Amit Mahajan, SPP & Mr. Rajat
Nair, SPP with Mr. Dhruv Pande,
Advocate and Inspector Rajeev Malik

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **11.01.2022**

HEARD THROUGH VIDEO CONFERENCING

1. The petitioner seeks bail in FIR No. 50/2020 dated 26.02.2020 registered at Police Station Jafrabad for offences under Section 147, 148, 149, 186, 353, 283, 332, 323, 307, 427, 120B, 34, 188 IPC read with Section 25 and 27 of the Arms Act, 1959 and Section 3 and 4 of the Prevention of Damage to Public Property Act, 1984. Though initially the FIR was registered for the above mentioned offences, chargesheet was filed and offences under Section 302, 333 & 109 IPC were added subsequently.

2. Notice was issued on 11.10.2021. Status Report has been filed. In the Status Report it is stated that there were violent protests in the North East District of Delhi against CAA, NRC and NPR. It is stated that information regarding firing, stone pelting, and acid attack was received for an incident

BAIL APPLN. 3733/2021

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Page 4 of 4

at 66 Foota road, near Crescent Public School.

3. It is stated that the Police tried to stop the mob and had to open fire in defence. However, in the riot, one person, namely, Aaman died on 25.02.2020 allegedly due to a gunshot injury caused by the rioters. On the said incident, the instant FIR was registered. As stated above, subsequently offences under Section 302, 333 & 109 IPC were added.

4. An application for grant of bail to the petitioner was filed before the Ld ASJ but the same was dismissed by the learned Additional Sessions Judge vide order dated 03.12.2020. The petitioner approached this Court by filing the instant petition.

5. Ms. Deeksha Dwivedi, Mr. Kartik Venu, learned counsels appearing for the petitioner contend that the petitioner is in custody since 28.03.2020. It is stated that the chargesheet stands filed and there is no necessity of keeping the petitioner further into custody. It is stated that out of 15 accused persons, 12 have been granted bail and the petitioner's case stands on the same footing as of the other co-accused and, therefore, bail ought to be granted to the petitioner.

6. *Per contra*, Mr. Amit Mahajan, learned SPP very fairly states that 12 persons out of 15 have been granted bail. However, he states the petitioner was part of the mob which was indulging in rioting and since a valuable life was lost, all of them will be liable for the offence under Section 302 IPC.

7. One of the co-accused, namely, Mohd. Gufran @ Danish, had been granted bail by the Trial Court on 12.01.2021. The State had filed a petition for cancellation of bail and this Court vide order dated 23.04.2021 in CRL.M.C.886/2021 rejected the plea of the State and confirmed the bail granted to the petitioner therein.

8. The petitioner is in custody since 28.03.2020. The social strata from which the petitioner comes, it is unlikely that the petitioner will be in a position to influence the other witnesses. Out of 15 accused, 12 have already been granted bail. This Court is inclined to grant bail to the petitioner on the following conditions:-

- i. The petitioner shall furnish a personal bond in the sum of Rs.20,000/- with one surety in the like amount to the satisfaction of the Trial Court;
- ii. The memo of parties shows that the petitioner is the resident of H. No.124A/155, Gali No.14, Vijay Mohallah, Maujpur, Delhi. The petitioner is directed to reside at the same address. In case of any change of address, he shall inform the same to the Investigating Officer;
- iii. The petitioner shall not leave NCT of Delhi without the prior permission of the Court;
- iv. The petitioner is directed to give all his mobile numbers to the Investigating Officer and keep them operational at all times;
- v. The petitioner shall not, directly or indirectly, tamper with evidence or try to influence the witnesses in any manner;
- vi. The petitioner is directed to attend all the Court proceedings.
- vii. In case it is established that the petitioner has tried to influence the witnesses or tamper with the evidence, the bail granted to the petitioner shall stand cancelled forthwith

9. The petition is disposed of with the above observations along with pending application(s), if any.

10. Let a copy of this order be transmitted to the concerned Jail

Superintendent.

JANUARY 11, 2022
hsk

SUBRAMONIUM PRASAD, J

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

+ BAIL APPLN. 4125/2021

AKEEL @ BONA

..... Petitioner

Through Ms. Tara Narula, Ms. Deeksha
Dwivedi, Advocates

versus

STATE NCT OF DELHI

..... Respondent

Through Mr. Amit Mahajan, SPP & Mr. Rajat
Nair, SPP with Mr. Dhruv Pande,
Advocate and Inspector Rajeev Malik

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **11.01.2022**

HEARD THROUGH VIDEO CONFERENCING

1. The petitioner seeks bail in FIR No. 50/2020 dated 26.02.2020 registered at Police Station Jafrabad for offences under Section 147, 148, 149, 186, 353, 283, 332, 323, 307, 427, 120B, 34, 188 IPC read with Section 25 and 27 of the Arms Act, 1959 and Section 3 and 4 of the Prevention of Damage to Public Property Act, 1984. Though initially the FIR was registered for the above mentioned offences, subsequently chargesheet was filed and offences under Section 302, 333 & 109 IPC were added.

2. Notice had been issued on 23.11.2021. Status Report has been filed. In the Status Report it is stated that there were violent protests going on in the North East District of Delhi against CAA, NRC and NPR. It is stated that information regarding firing, stone pelting, and acid attack was received

BAIL APPLN. 4125/2021

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for an incident at 66 Foota road, near Crescent Public School.

3. It is stated that the Police tried to stop the mob and had to open fire in defence. However, in the riot, one person, namely, Aaman died on 25.02.2020 allegedly due to a gunshot injury caused by the rioters. On the said incident, the instant FIR was registered. As stated above, offences under Section 302, 333 & 109 IPC were added subsequently.

4. The petitioner filed an application for grant of bail but the same was dismissed by the learned Additional Sessions Judge vide order dated 06.10.2021. The petitioner approached this Court by filing the instant petition.

5. Ms. Tara Narula and Ms. Deeksha Dwivedi, learned counsels appearing for the petitioner contend that the petitioner is in custody since 28.03.2020 and chargesheet stands filed and there is no necessity of keeping the petitioner further into custody. It is stated that out of 15 accused persons, 12 have been granted bail and the petitioner's case stands on the same footing as of the other co-accused and, therefore, bail ought to be granted to the petitioner.

6. *Per contra*, Mr. Amit Mahajan, learned SPP very fairly states that 12 persons out of 15 have been granted bail. However, he states the petitioner was part of the mob which was indulging in rioting and since a valuable life was lost, all of them will be liable for this offence under Section 302 IPC.

7. One of the co-accused, namely, Mohd. Gufran @ Danish, had been granted bail by the Trial Court on 12.01.2021. The State had filed a petition for cancellation of bail and this Court vide order dated 23.04.2021 in CRL.M.C.886/2021 rejected the plea of the State and confirmed the bail granted to the petitioner therein.

8. The petitioner is in custody since 28.03.2020 and considering the social strata from which the petitioner comes, it is unlikely that the petitioner will influence the other witnesses. Out of 15 accused, 12 have already been granted bail, this Court is inclined to grant bail to the petitioner on the following conditions:-

- i. The petitioner shall furnish a personal bond in the sum of Rs.20,000/- with one surety in the like amount to the satisfaction of the Trial Court;
- ii. The memo of parties shows that the petitioner is the resident of H. No.K-7/155, Gali No.21, Janta Majdoor Colony, Welcome, Delhi. The petitioner is directed to reside at the same address. In case of any change of address, he shall inform the same to the Investigating Officer;
- iii. The petitioner shall not leave NCT of Delhi without the prior permission of the Court;
- iv. The petitioner is directed to give all his mobile numbers to the Investigating Officer and keep them operational at all times;
- v. The petitioner shall not, directly or indirectly, tamper with evidence or try to influence the witnesses in any manner;
- vi. The petitioner is directed to attend all the Court proceedings.
- vii. In case it is established that the petitioner has tried to influence the witnesses or tamper with the evidence, the bail granted to the petitioner shall stand cancelled forthwith

9. The petition is disposed of with the above observations along with pending application(s), if any.

10. Let a copy of this order be transmitted to the concerned Jail

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SUBRAMONIUM PRASAD, J