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**IN THE COURT OF SH. GURDEEP SINGH,  
ADDITIONAL SESSIONS JUDGE-1 (POCSO)  
VACATION JUDGE  
SHAHDARA, DISTRICT, KARKARDOOMA COURTS,  
DELHI.**

**Bail Registration No.:4432/19**

**Bail Application No.:3201/19**

State v. Sajid Ali

AND

**Bail Registration No.: 4412/19**

**Bail Application No.:3180/19**

State v. Daniyal

FIR No.: 0699/2019

PS : Jafrabad

U/s.: 147/148/149/186/353/332/307/427/435/120B/34 IPC &  
S. 3/4 Prevention of Damage to Public Property Act, 1984

Bail Order 31.12.2019

1. Vide this common order, I shall decide bail application moved on behalf of applicants/accused namely Sajid Ali and Daniyal.
2. I have heard Sh. Ajit Kumar Srivastava, Addl. PP for State and Sh. Sanju Gupta, Sh. Iftiqar Ahmed, Sh. Aditya Aggarwal, Sh. Zakir Raja, Sh. Amit Rana and Sh. Jagmohan, Counsel for both applicants/accused.
3. The relevant facts are that present case / FIR was registered for offences punishable under S. 147/148/149/186/353/332/307/427/435/120B/34 IPC & S. 3/4

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Prevention of Damage to Public Property Act, 1984 on the allegations that SHO alongwith staff were present on duty at Shenshah Hotel Jafrabad because there was bike and foot rally in protest against NRC and Citizen Amendment Bill, without permission. The protesters collected at Seelampur T-point Road No.66. The protesters turned violent and throwing brick, stone and petrol filled bottled on the police personnel. At about 2:30 p.m. Seelampur T-point uncontrol crowd was coming towards Jafrabad Police Station and large number of public gathered on the instigation of Sh. Abdul Rehman, Councillor, Jafrabad. The crowd was also joined by another uncontrol crowd from Maujpur, on the bike rally which was led by Sh. Madeen Ahmed, former councillor. They were also raising slogans against CAA bill without any permission. They were informed about unlawful assembly through loud hailer and requested them to disburse but they did not disburse and thereafter they threw bricks, stone and petrol filled bottle on the police with intention to kill them which resulted injuries on the person of some police men. Thereafter tear gas shell were fired and some protesters also sustained injury. At about 6:15 p.m. when he visited the spot they found portable public toilet was burnt and window of one private Alto Car was broken. Place was got photographed. From the spot, broken pieces of glasses,

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stone and bricks were seized.

4. The applicant/accused Daniyal was arrested from the spot and his medical examination was got conducted wherein he was found having swelling present in the left hand and swelling present above the right elbow. One video clip was shown by IO in which applicant/accused Daniyal is seen held by two police men and was being brought.
5. The applicant/accused Sajid Ali was apprehended on the secret information and from him mobile phone was recovered which containing objectionable material. Two video clips - one of 2.38 minutes and second one of 0.57 minutes are played by IO, which show that public persons more than 100 are marching and shouting slogans. According to IO, the applicant/accused is seen in the same and is shooting selfie video.
6. Ld. Counsel on behalf of applicants/accused submitted that both applicants/accused have been falsely implicated in this case and running in judicial custody since 18.12.2019. Further they are innocent and young person and have no previous involvement. They were peaceful protesters. Further police has not taken any action against the instigator of mob despite being categorically named. Further no offence under S. 307 IPC is made out. The applicants/accused have no role in damage to public toilet and

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in support of their arguments cited cases titled as *Jugal Kishore Rathore & Anr. v. The State of Madhya Pradesh* dated 04.03.2015, M.Cr.C NO. 2823 of 2015 of Hon'ble Madhya Pradesh High Court; *Madhavan Maniyara etc. v. State & Anr.*, Crime No.187 of 2012 of Hon'ble Kerala High Court; *Megh Shyam v. State of Bihar*, Criminal Misc. No.43148 of 2017 dated 21.09.2017 of Hon'ble Patna High Court and *Natvarial @ Natubhai Amratlal v. State*, R/CR. MA/4609/2018 dated 22.02.2018 of Hon'ble Gujarat High Court.

7. On the other hand, Ld. Addl. PP for State submitted that applicants/accused persons were part of unlawful assembly and therefore they are responsible for act of unlawful assembly wherein stone were pelted and public toilet was damaged and therefore it is prayed that bail applications be dismissed.
8. Firstly, as regards offence under S. 307 IPC, as per IO, injuries sustained by the police are simple in nature. Further offence under S. 435 IPC is punishable upto imprisonment of 7 years. The applicant/accused Sajid Ali is seen in the video footage made by himself, marching alongwith other participants and not seen pelting stone or setting public toilet on fire nor at that time mob is seen becoming violent or burning same. Further there is no eye witness to the effect that he is part of the violent mob who pelted stone, setting public toilet on fire and

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also broken the window of the Alto car. Therefore in the totality of the facts and circumstance of the case and keeping in view period of custody and his role, I am of the opinion that he is entitled to bail.

9. As regards applicant/accused Daniyal, he is also not seen on video pelting stone or setting public toilet on fire. Further there is also no eye witness who has seen him being part of the violent mob who pelted stone, setting public toilet on fire and also broken window of the Alto car. Therefore in the totality of the facts and circumstance of the case and keeping in view period of custody and his role, I am of the opinion that he is also entitled to bail.
10. As per above discussion, both applicants/accused namely Sajid Ali and Daniyal be admitted to bail on furnishing personal bond in the sum of Rs.35000/- each alongwith one surety each in the like amount to the satisfaction of Ld. CMM/ACMM/MM/Duty MM/ Link MM subject to following conditions that:-
  - i.) applicants shall make themselves available for interrogation by a police officer as and when required;
  - ii.) applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

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- iii.) applicants shall not indulge themselves in any kind of such offences and shall report to IO/ SHO concerned on every 15 days for a period of **six months** regarding their activities;
  - iv.) applicants shall file separate affidavit before Ld. Trial Court regarding abiding by terms and conditions of bail, within a week after his release.
11. Copy of the order be given dasti for compliance.
  12. Accordingly, both applications are disposed off.
  13. Nothing mentioned hereinabove shall tantamount to an expression on merit of the case.

(GURDEEP SINGH)  
ADDL. SESSIONS JUDGE-1  
VACATION JUDGE  
SHAHDARA/KKD/DELHI/31.12.2019