

(2015) 05 DEL CK 0340

In the Delhi High Court

Case No : Bail Application No. 697 of 2015

Afroj Ajam and Others

APPELLANT

Vs

The State (NCT of Delhi)

RESPONDENT

Date of Decision : 20-05-2015

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439
Penal Code, 1860 (IPC) — Section 120-B, 201, 302, 34, 394

Citation : (2015) 2 JCC 1363

Hon'ble Judges : Manmohan Singh, J

Bench : Single Bench

**Advocate : Sameer Chandra, Wiqar Ahmad and Zuber Raza, for the Appellant;
Satish Verma, APP and Party-in-Person, Advocates for the Respondent**

Final Decision : Disposed off

Judgement

Manmohan Singh, J.

1. The petitioners have filed the present petition under Section 439 Cr.P.C. for grant of bail in case FIR No. 285/2013, under Sections 302/394/411/201/120-B/34 IPC, registered at PS Sangam Vihar, Delhi. The status report has been filed by the State. Learned counsel for the petitioners has referred the statement of PW-3 Hasem Khan, who is the son of the deceased, where in his cross-examination he deposed that on 2nd July, 2013 at about 3.00 or 4.00 p.m., police officials had taken black bag, which was identified by him in his examination-in-chief, with them to the Police Station in his presence. He further stated that the police had checked the cash box lying in the room of his father. Counsel has also referred Annexure P-3, i.e. Arrest Memo where in column No. 6 the date and time of the arrest of petitioner No. 1 Afroj Ajam @ Mannu was mentioned as 13th July, 2013 at 8.10 p.m. and recovery memo (Annexure P-4) disclosed that the black colour bag was produced from under the Sofa by the said petitioner before the police on 13th July, 2013. The petitioners are in judicial custody since 13th July, 2013.

2. Having heard the learned counsel for the petitioners and the learned APP for the State, under these circumstances, without deciding anything on merits of the case, it is directed that both the petitioners shall be released on bail subject to their furnishing personal bonds in the sum of Rs. 10,000/- each with one surety each of the like amount to the satisfaction of the learned Trial Court and further subject to the following conditions:-

(i) that the petitioners will furnish to the learned Trial Court their respective current addresses and contact numbers and will not shift from the said addresses or change the contact numbers without prior permission of the learned Trial Court;

(ii) that the petitioners will appear on each and every date before the learned Trial Court;

(iii) that the petitioners will not interfere with the fair progress of the trial and will also not approach the witnesses.

In case of violation of any of the conditions above, it will be open to the State to apply for cancellation of the bail.

The petition is accordingly disposed of.