

(2020) 11 DEL CK 0023

In the Delhi High Court

Case No : Bail Application No. 1885 Of 2020, Criminal Miscellaneous Application No. 9938, 9939, 10683, 10084 Of 2020

Mohammed Bilal Saifi

APPELLANT

Vs

State (Through: Nct Of Delhi)

RESPONDENT

Date of Decision : 04-11-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 109, 147, 148, 149, 186, 307, 332, 353
Arms Act, 1959 — Section 25, 27

Citation : (2020) 11 DEL CK 0023

Hon'ble Judges : Prathiba M. Singh, J

Bench : Single Bench

Advocate : Rebecca John, Megha Bahl, Maulshree Pathak, S.V. Raju, Rajat Nair, Shantanu Sharma, Guntur Pramod Kumar, Sairica Raju, Shaurya R Rai, Dhruv Pande

Final Decision : Disposed Of

Judgement

Prathiba M. Singh, J

1. This hearing has been done by video conferencing.
2. The present petition had been filed seeking anticipatory bail in FIR No. 0044/2020, registered at PS Jagatpuri on 26th February, 2020 against the Petitioner. However, since non-bailable warrants had already been issued against the Petitioner and considering the nature of allegations against him, he was directed to surrender and cooperate in the investigation vide order dated 27th July, 2020. Accordingly, the present petition was directed to be treated as an application for bail and not anticipatory bail.
3. The allegation against the Petitioner in the FIR under Sections 147/148/149/186/353/332/307/109/34 of the IPC and Sections 25/27 of the Arms Act,

1959 is that he participated in an unlawful assembly, which was going on in Khureji Khas area, North East Delhi in February, 2020. While disbursing the mob, a couple of police officials are stated to have been injured. An FIR was filed against the Petitioner as one of the police officials had identified the Petitioner. The charge-sheet against the Petitioner has also been filed before the Id. Metropolitan Magistrate, Shahadra District, Karkardooma Courts.

4. Arguments were heard in the application for bail on 11th August, 2020, on which date the Court considered the submissions and the record.

Considering the overall facts and circumstances, especially the educational qualifications of the Petitioner and the fact that he had surrendered and participated in the investigation after he was directed to do so, this Court had granted interim bail to the Petitioner vide order dated 11th August, 2020, for a period of 30 days from the date of his release, subject to various conditions. It was also directed that a status report would be filed by the prosecution, after monitoring the Petitioner's conduct during the period of interim bail.

5. The Petitioner is one of the accused in FIR No. 0044/2020 PS Jagatpuri. There are several other accused in the said FIR. Most of them have been released on either regular bail or interim bail.

6. Mr. Raju, Id. ASG along with Mr. Mahajan, Id. SPP have appeared today and submit that the conduct of the Petitioner during the period when he was released on interim bail has been satisfactory. It has also been submitted by Ms. John, Id. Sr. counsel that the Petitioner has complied with all the conditions that were imposed on him vide order dated 11th August, 2020. She however submits that the Petitioner's mother is suffering from cancer and he would like to visit his residence. Hence the condition that he will live in a different locality as imposed in the order granting interim bail be relaxed and he be permitted to visit his residence.

7. In view of the above recorded circumstances, this Court is inclined to grant regular bail to the Petitioner on similar conditions as were contained in the order dated 11th August, 2020. Accordingly, the Petitioner is admitted to regular bail. No further bond or surety would be required to be furnished.

Further, the Petitioner is permitted to visit/ live in his permanent residential address, which shall be given to the Investigating Officer (IO), who is free

to verify the said address at any point of time. If there is any change in the address, the IO shall be intimated and the said address shall also be verified.

8. The remaining conditions as contained in the said order which are set out below shall continue to apply upon the Petitioner:

- i. The Petitioner shall not leave Delhi.
- ii. The Petitioner's surrendered passport shall remain in the custody of the Trial Court.
- iii. The Petitioner shall provide his live mobile number and of a close family member to the IO.
- iv. The Petitioner shall be in regular touch with the IO on a daily basis by mobile phone and if the IO on a particular date, calls the Petitioner to visit him personally, he shall do so.
- v. The Petitioner shall ensure that he does not indulge in any illegal or unlawful activity or contact any witnesses or any other persons who are subject matter of the investigation in the present case being FIR No.44/2020 PS Jagatpuri. He shall not indulge in any conduct so as to impede the investigation.
- vi. The Petitioner shall appear before the Trial Court as and when directed, and participate in the proceedings without fail.

9. The petition is accordingly disposed of in these terms. All pending applications are also disposed of.