

(2020) 10 DEL CK 0101

In the Delhi High Court

Case No : Bail Application No. 2087 Of 2020, Criminal Miscellaneous Application No. 10596, 10597 Of 2020

Sharif Khan

APPELLANT

Vs

State (Nct Of Delhi)

RESPONDENT

Date of Decision : 16-10-2020

Acts Referred:

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

Citation : (2020) 10 DEL CK 0101

Hon'ble Judges : Prathiba M. Singh, J

Bench : Single Bench

Advocate : Badre Alam, S. V. Raju, Amit Mahajan, Shantnu 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 held through video conferencing.
2. The present petition had been filed seeking anticipatory bail in FIR No. 0044/2020, registered on 26th February, 2020 against the Petitioner. However, since non-bailable warrants had already been issued against the Petitioner, vide order dated 7th August, 2020, he was directed to surrender and cooperate in the investigation. 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 is yet to be filed. Arguments were heard in the application for bail on 4th September, 2020, on which date the Court considered the submissions and the record. It was observed that the Petitioner is 60 years old and is stated to be a permanent resident of Delhi, which fact was not disputed. He 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.

4. Considering the overall facts and circumstances of this case, especially the age of the Petitioner and the fact that he is a permanent resident of Delhi and poses no flight risk, this Court had granted interim bail to the Petitioner for a period of 45 days from the date of his release, subject to various conditions.

5. 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.

6. Mr. Raju, Id. ASG has appeared today and submits that according to the report of the Investigating Officer("IO"), the conduct of the Petitioner during the interim bail period has been satisfactory. He has given his mobile number and his daughter's mobile number to the IO. He has also continued to report to the IO on a regular basis and has not indulged in any unlawful or illegal activity during the said period.

7. Considering the above submissions and the report of the conduct of the Petitioner during the interim bail period, this Court is inclined to grant regular bail to the Petitioner on the same conditions as were contained in the order dated 4th September, 2020. No further bond or surety would be required to be furnished. All 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 and shall give his live mobile no. and a live mobile number of a close family member to the I.O. and report to him every two days. If the I.O. on a particular date, calls the Petitioner to visit him, he shall do so. If there is any change in the mobile number, the new number shall be given to the I.O.

ii. The Petitioner shall continue to live in his permanent residential address given to the I.O. and the I.O. is free to verify his residential address at any point of time. If there is any change in address the IO shall be intimated and the said address shall also be verified.

iii. The Petitioner's surrendered passport shall remain in the custody of the Trial Court.

iv. 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.

v. The Petitioner shall appear before the Trial Court as and when directed by the I.O. and shall fully cooperate with the investigation.

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