

**FIR No.363/20
PS Rajouri Garden
State Vs. Raja Babu
u/s 411 IPC**

13.07.2021

Proceedings through VC

Present: Ld. APP for the state.

Sh. K. K. Singh, Ld. LAC for the accused/ applicant.

This is an application for grant of bail to accused Raja Babu, S/o Sudarshan Patel has been filed u/s 437 CrPC.

Reply has been filed by IO.

It is submitted by the Ld. Counsel for the accused/ applicant that the accused has been falsely implicated in the present case. Benefit of bail is requested and it is submitted that if the benefit of bail is granted to the accused, the accused shall be ready and willing to furnish a sound surety, and shall also be willing to abide by conditions imposed upon him by the court.

Ld. APP for the state has submitted that any order as per law may be passed.

Heard. Record perused. Considered.

This Court is mindful of the proposition that bail is a rule and jail is an exception. As held by **Hon'ble Supreme Court of India** in the judgment titled **State of Rajasthan, Jaipur vs Balchand @ Baliay 1978 SCR (1) 538**, **"The basic rule is bail, not jail, except-where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like by the petitioner who seeks enlargement on bail from the Court."**

As per the reply of the IO, the accused is languishing in custody since 26.06.2020 with respect to the above captioned FIR. In the instant FIR

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registered against the accused u/s 411 IPC, the recovery of the case property being the stolen car battery has been made at the instance of the accused. Trial is likely to take a long time to conclude in view of the suspension of the regular functioning of the court. This circumstance is to be construed in favour of the accused who is languishing in custody for over one year. In view of the foregoing observations, and considering the situation arising out of the pandemic as well as the overall circumstance of the case, the accused **Raja Babu, S/o Sudarshan Patel** is admitted to bail on his furnishing of personal bond in the sum of Rs. 10,000/- with one surety of the like amount and further subject to the condition that accused shall join the investigation as and when required, shall not commit any other offence of similar nature, shall not contact the complainant/witnesses in any manner and desist from doing anything which may hamper the due process of law. **Bail bond not furnished.** Bail application disposed of accordingly.

Let a hard copy of the application, its reply and misc documents be filed on the record within one week of the resumption of regular functioning of the Courts. Further, let a copy of the order be uploaded on the website of District Courts forthwith. Copy of the order be sent to Jail Superintendent concerned via official email ID for intimation.

Copy of the order be given *dasti* to Ld. LAC for accused.

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FIR No.142/21
PS Rajouri Garden
State Vs. Vijay @ Hau
u/s 25 Arms Act and u/s 411 IPC

13.07.2021

Proceedings through VC

Present: Ld. APP for the state.

Sh. Salimuddin, Ld. Counsel for the accused/ applicant.

This is an application for grant of bail to accused Vijay @ Hau, S/o Late Sh. Ishwar Lal u/s 437 CrPC.

Reply has been filed by IO.

It is submitted by the Ld. Counsel for the accused/ applicant that the accused has been falsely implicated in the present case. Benefit of bail is requested and it is submitted that if the benefit of bail is granted to the accused, the accused shall be ready and willing to furnish a sound surety, and shall also be willing to abide by conditions imposed upon him by the court.

Ld. APP for the state has submitted that any order as per law may be passed.

Heard. Record perused. Considered.

This Court is mindful of the proposition that bail is a rule and jail is an exception. As held by **Hon'ble Supreme Court of India** in the judgment titled **State of Rajasthan, Jaipur vs Balchand @ Baliay 1978 SCR (1) 538**, "**The basic rule is bail, not jail, except-where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like by the petitioner who seeks enlargement on bail from the Court.**"

The instant FIR was registered filed against the accused u/s 25 Arms Act as well as u/s 411 IPC. Perusal of the record reveals that the charge

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sheet has already been filed against the accused, upon conclusion of investigation. It is the case of the prosecution in the chargesheet filed against the accused under Section 25 Arms Act that the accused was found in possession of one country made pistol. Trial is likely to take a long time to conclude, in view of the fact that the requisite sanction u/s 39 Arms Act has not been placed on record with the charge sheet. Further, regular functioning of the court has also been suspended and due to this reason also, trial may take a long time to conclude. The previous involvement report of the accused does not merit further pre-trial detention of the accused as the accused has not been admittedly convicted in any of the cases reflected in the report. In view of the foregoing observations and considering the situation arising out of the pandemic as well as the overall circumstance of the case, the accused **Vijay @ Hau, S/o Late Sh. Ishwar Lal** is admitted to bail on his furnishing of personal bond in the sum of Rs. 10,000/- with one surety of the like amount and further subject to the condition that accused shall join the investigation as and when required, shall not commit any other offence of similar nature, shall not contact the complainant/witnesses in any manner and desist from doing anything which may hamper the due process of law. **Bail bond not furnished.** Bail application disposed of accordingly.

Let a hard copy of the application, its reply and misc documents be filed on the record within one week of the resumption of regular functioning of the Courts. Further, let a copy of the order be uploaded on the website of District Courts forthwith. Copy of the order be sent to Jail Superintendent concerned via official email ID for intimation.

Copy of the order be given *dasti* to Ld. counsel for accused.

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