

CNR No. DLCT01-000168-2015
SC No.39/2021
FIR No.20/2015
PS Kamla Market
U/s 302/396/412/34 IPC & 25/27 Arms Act
State Vs. Tehsin @ Kevda & Ors.

06/07/2021

File taken up today on interim bail application for grant of interim bail filed on behalf of accused Adil @ Shahzada for the period of 90 days as per HPC guidelines.

(Proceedings Convened through Video Conferencing)

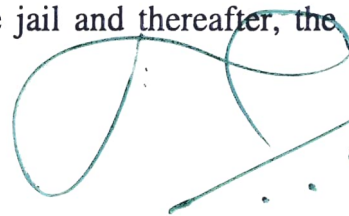
Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).
Mr. Asghar Khan, Ld. Counsel for the accused Adil @ Shahzada (through V.C.)

Ahlmad is absent.

By way of present order, this Court shall disposed of interim bail application of the accused Adil @ Shahzada.

Arguments have already been heard on the aforesaid interim bail application of accused Adil @ Shahzada. Perused the material available on record.

During the course of arguments on the aforesaid interim bail application, it was submitted by counsel for the accused that in terms of directions dated 07/05/2021 given by the Hon'ble Supreme Court of India in Suo Moto Writ Petition No. (C)1/2020 and minutes of H.P.C guidelines dated 04/05/2021 and 11/05/2021, the accused be released on interim bail for the period of 90 days. It was further submitted that accused was released on interim bail as per HPC guidelines vide order dated 10/06/2020 and interim bail was extended time to time and accused had surrendered before the concerned jail Superintendent on 31/03/2021 and case of the accused falls in the criteria of minutes of HPC guidelines dated 11/05/2021. It was further submitted that after the expiry of interim bail period, the accused has gone to surrender before the concerned Jail Superintendent but the jail authorities refused to get him admitted in the jail and thereafter, the accused has


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surrendered on 31/03/2021. It was further submitted that the accused is in J/C in the present case for the period of more than five years and seven months. It was further submitted that the accused shall be abide by all terms and conditions, if the interim bail is granted to the accused and accused shall surrender after the interim bail period.

During the course of arguments on the aforesaid interim bail application, it was submitted by Addl. P.P. for the State that allegations against the accused are serious in nature and present interim bail application of the accused be dismissed. It was further submitted that in the present case, interim bail was granted to the accused vide order dated 10/06/2020 and accused had not timely surrendered before the concerned Jail Superintendent and as per minutes of H.P.C. guidelines dated 11/05/2021, the present interim bail application of the accused is not maintainable and same be dismissed.

It is mentioned in the minutes of H.P.C. guidelines dated 11/05/2021 that:-

“ After deliberations, it is resolved that all those UTPs who after having availed the benefit of interim bail granted to them last year, on the basis of criteria laid down by High Powered Committee in its earlier meetings and have not surrendered on the scheduled date of surrender despite directions to that effect, SHALL NOT be entitled to avail the benefit of criteria laid down by this Committee on 4th May, 2021 and those laid down today hereinabove, even after their apprehension/re-arrest.”

In the present case, vide order dated 10/06/2020, interim bail was granted to the accused as per HPC guidelines.

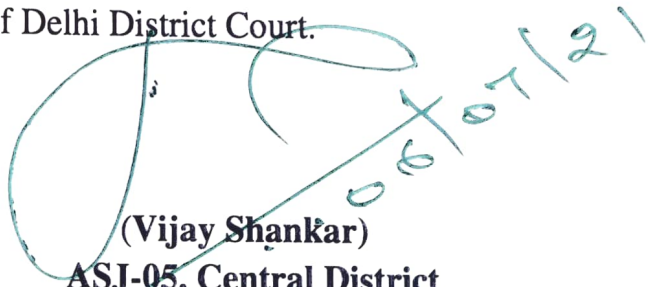
In the present case, reports/reply were called from SHO/IO and concerned Jail Superintendent and same were filed. It is mentioned in the reports of the Deputy Jail Superintendent, Central Jail No. 4, Tihar, New Delhi that the accused was released from the jail on interim bail for a period of 45 days on 12/06/2020 under the guidelines of HPC 2020 and has surrendered in the Jail on 31/03/2021 instead of 08/03/2021 and overall jail conduct of the accused is un-satisfactory. On 03/07/2021, it was submitted by the Jail Superintendent No. 4, Tihar Jail and Jail Superintendent, Jail No. 13, Mandoli Jail that the

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accused has not come to surrender on the scheduled date after the expiry of interim bail period and he surrendered on 31/03/2021. From the aforesaid report of the concerned Jail Superintendent, it is clear that the accused had to surrender on or before 08/03/2021 but the accused has not timely surrendered before the concerned Jail Superintendent after the expiry of interim bail period and he surrendered on 31/03/2021. No document has been placed on record by the accused to show that he has gone to the jail authorities for the purpose of surrender, on or before the expiry of interim bail period. The overall jail conduct of the accused is stated to be un-satisfactory. The case of the accused for the purpose of grant of interim bail is not covered under the HPC guidelines as it falls under the aforesaid exclusion Clause of minutes of HPC guidelines dated 11/05/2021. In view of the minutes of H.P.C. guidelines dated 11/05/2021, the present interim bail application of the accused is not maintainable. Keeping in view the directions dated 07/05/2021 passed by the Hon'ble Supreme Court of India and H.P.C. guidelines dated 04/05/2021 and 11/05/2021, facts and circumstances of the case, gravity of offence and nature of serious allegations levelled against the accused, this Court is of the considered opinion that no ground for interim bail of accused is made out. Accordingly, the present interim bail application of accused Adil @ Shahzada is dismissed.

A copy of this order be sent to the concerned Jail Superintendent through e-mail for information and necessary action. Copy of order be also sent to DLSA, Central District, Delhi. Copy of order be also sent to SHO/IO. Counsel for the accused is at liberty to collect the copy of present order through electronic mode.

Order be uploaded on the website of Delhi District Court.


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
06/07/2021(A)

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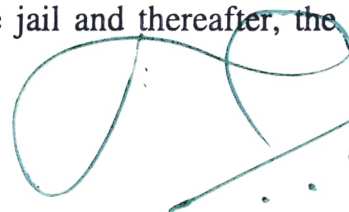
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surrendered on 31/03/2021. It was further submitted that the accused is in J/C in the present case for the period of more than five years and seven months. It was further submitted that the accused shall be abide by all terms and conditions, if the interim bail is granted to the accused and accused shall surrender after the interim bail period.

During the course of arguments on the aforesaid interim bail application, it was submitted by Addl. P.P. for the State that allegations against the accused are serious in nature and present interim bail application of the accused be dismissed. It was further submitted that in the present case, interim bail was granted to the accused vide order dated 10/06/2020 and accused had not timely surrendered before the concerned Jail Superintendent and as per minutes of H.P.C. guidelines dated 11/05/2021, the present interim bail application of the accused is not maintainable and same be dismissed.

It is mentioned in the minutes of H.P.C. guidelines dated 11/05/2021 that:-

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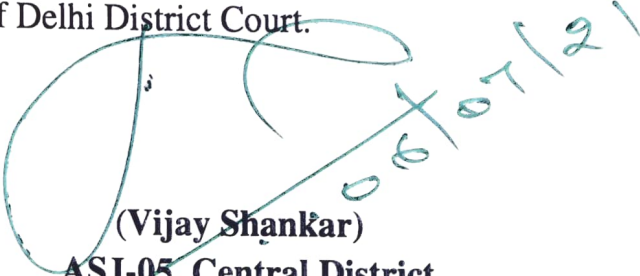
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