

FIR No.170/21
PS RG
State vs. Monu @ Jumman
u/s 379/356/411/34 IPC

12.05.2021

Proceedings are being conducted through video conferencing in view of the circular of the Hon'ble High Court of Delhi bearing no. 256/RG/DHC/2021 dated 08.04.2021.

Present: Ld. APP for the state.

Sh. Kaushal Thakur, Ld. Counsel for accused/ applicant.

This is an application for grant of bail to accused Monu @ Jumman, S/o Musida Mufijul u/s 437 CrPC filed.

In the subject of the application, however, the name of the accused is mentioned as "Rahul @ Pradeep". Ld. Counsel for the accused/ applicant submits that the same is a typo, and the application has been filed on behalf of the accused Monu @ Jumman.

Reply alongwith previous involvement report has been filed by the IO. As reflected from the previous involvement report, the accused has been released from custody in at least in 04 cases as reflected in the said report.

It is submitted by counsel for accused that accused has been falsely implicated in the present case. It is further argued that the benefit of bail be granted to the accused and it is further submitted that the accused is ready and willing to furnish a sound surety, and is also willing to abide by conditions imposed upon him by the court.

Ld. APP for the State has argued that the allegations contained in the FIR are serious and the accused should not be enlarged on bail as the possibility of him fleeing from justice cannot be ruled out.

This Court is mindful of the proposition that bail is a rule and jail is

MEDHA ARYA

Digitally signed by MEDHA
ARYA
Date: 2021.05.12 14:50:53
+05'30'

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 accused is languishing in custody since 28.02.2021. Charge sheet has been already filed. Co-accused has already been admitted to bail Trial is likely to take a long time to conclude as the regular functioning of the courts has been suspended on account of the pandemic. Further, the Superior Courts have directed that steps be taken for decongestion of prisons in view of the surge in cases on account of the pandemic. Considering the situation arising out of the pandemic as well as the overall circumstance of the case, the accused **Monu @ Jumman, S/o Musida Mufijul** is admitted to bail on his furnishing personal bond in the sum of Rs. 15,000/- 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.

MEDHA ARYA Digitally signed by MEDHA ARYA
Date: 2021.05.12 14:51:15 +05'30'
(Medha Arya)
MM-02 (West)/THC/Delhi
12.05.2021

12.05.2021

Proceedings are being conducted through video conferencing in view of the circular of the Hon'ble High Court of Delhi bearing no. 256/RG/DHC/2021 dated 08.04.2021.

Present: Ld. APP for the state.

Sh. Kaushal Thakur, Ld. Counsel for the accused/ applicant.

This is an application for grant of bail to accused Monu @ Jumman, S/o Musida Mufijul u/s 437 CrPC filed.

In the subject of the application, however, the name of the accused is mentioned as "Rahul @ Pradeep". Ld. Counsel for the accused/ applicant submits that the same is a typo, and the application has been filed on behalf of the accused Monu @ Jumman, as already recorded in the last order .

Reply alongwith previous involvement report has been filed by the IO. As reflected from the previous involvement report, the accused has been released from custody at least in 04 cases as reflected in the said report.

It is submitted by counsel for accused that accused has been falsely implicated in the present case. It is further argued that the benefit of bail be granted to the accused and it is further submitted that the accused is ready and willing to furnish a sound surety, and is also willing to abide by conditions imposed upon him by the court.

Ld. APP for the State has argued that the allegations contained in the FIR are serious and the accused should not be enlarged on bail as the possibility of him fleeing from justice cannot be ruled out.

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 accused is languishing in custody since 28.02.2021. Charge sheet has been already filed. . Co-accused has already been admitted to bail Trial is likely to take a long time to conclude as the regular functioning of the courts has been suspended on account of the pandemic. Further, the Superior Courts have directed that steps be taken for decongestion of prisons in view of the surge in cases on account of the pandemic. Considering the situation arising out of the pandemic as well as the overall circumstance of the case, the accused **Monu @ Jumman, S/o Musida Mufijul** is admitted to bail on his furnishing personal bond in the sum of Rs. 15,000/- 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.

MEDHA ARYA

(Medha Arya)

MM-02 (West)/THC/Delhi

12.05.2021

Digitally signed by MEDHA ARYA
Date: 2021.05.12 14:51:54 +05'30'

12.05.2021

Proceedings are being conducted through video conferencing in view of the circular of the Hon'ble High Court of Delhi bearing no. 256/RG/DHC/2021 dated 08.04.2021.

Present: Ld. APP for the state.

Sh. Arun Sehrawat, Ld. LAC for the accused/ applicant.

This is an application for grant of bail to accused Shammi Anand, S/o Munazir Alam us 437 CrPC filed.

Reply has been filed by the IO detailing the previous involvements of the accused.

It is submitted by counsel for accused that accused has been falsely implicated in the present case. It is further argued that the benefit of bail be granted to the accused and it is further submitted that the accused is ready and willing to furnish a sound surety, and is also willing to abide by conditions imposed upon him by the court.

Ld. APP for the State has argued that the allegations contained in the FIR are serious and the accused should not be enlarged on bail as the possibility of him fleeing from justice cannot be ruled out.

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."

MEDHA ARYA

Digitally signed by MEDHA
ARYA
Date: 2021.05.12 14:52:30
+05'30'

The accused is languishing in custody since 03.04.2021. Charge sheet has already been filed and this is the first bail application of the accused after the filing of the charge sheet. Investigation is complete. Recovery has already been effected. No useful purpose shall be served by detaining the accused in custody especially in view of the fact that the trial is likely to take a considerable time to conclude in view of suspension of regular functioning of the Courts. Reply of the IO does not show any cogent ground meriting the pre-trial detention of the accused. The previous involvement report of the accused as filed the IO also does not show any ground for his further detention as three cases against the accused have already been disposed of and the accused has admittedly not been convicted in any of the remaining cases reflected in the report. Further, the Superior Courts have directed that steps be taken for decongestion of prisoners in view of the surge in cases on account of the pandemic. Considering the situation arising out of the pandemic as well as the overall circumstance of the case, the accused **Shammi Anand, S/o Munazir Alam** is admitted to bail on his furnishing 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.

Digitally signed by MEDHA
ARYA
Date: 2021.05.12 14:52:47
+05'30'
MEDHA ARYA
(Medha Arya)
MM-02 (West)/THC/Delhi
12.05.2021