

**E FIR No.553/21
PS Rajouri Garden
State Vs. Suraj
u/s 379/411 IPC**

15.07.2021

Proceedings through VC

Present: Ld. APP for the state.
Sh. K. K. Singh, Ld. Remand Advocate.
Sh. Monis Ahmed, Ld. Counsel for the accused/ applicant.

This is an application for grant of bail to accused Suraj @ Chusi, S/o Jai Kishore u/s 437 CrPC.Reply has been filed by IO alongwith the previous involvement report of the accused.

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 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.

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 accused was formally arrested w.r.t the aforesaid FIR, after he made a disclosure subsequent to his arrest in FIR No. 436/21, PS Rajouri Garden. It is

**MEDHA
ARYA**

Digitally signed by
MEDHA ARYA
Date: 2021.07.15
15:14:19 +05'30'

the case of the prosecution that after his arrest in the said FIR 436/21, the accused disclosed that he had stolen the battery of the e-rickshaw as well as the mobile phone of the complainant w.r.t the above captioned FIR. The accused was formally arrested on 06.06.2021 and is languishing in custody since then. Recovery has already been effected. Reply of the IO does not show any cogent ground meriting the further pre-trial detention of the accused. Further as per the reply of the IO, out of the four cases pending against the accused, the accused has already been granted bail w.r.t two cases i.e. in FIR No. 971/20 and FIR No. 436/21, both PS Rajouri Garden. The accused has not been convicted in any of the cases pending against him. As such, the previous involvement report of the accused does not merit the further pre-trial detention of the accused. 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 **Suraj @ Chusi, S/o Jai Kishore** is admitted to bail on his furnishing of personal bond in the sum of Rs. 5,000/- 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/
applicant.

Digitally signed by MEDHA
ARYA
Date: 2021.07.15 15:14:33
+05'30'

MEDHA ARYA
(Medha Arya)
MM-02(West)/THC/Delhi
15.07.2021

**E FIR No.534/21
PS Rajouri Garden
State Vs. Suraj
u/s 379/411 IPC**

15.07.2021

Proceedings through VC

Present: Ld. APP for the state.
Sh. K. K. Singh, Ld. Remand Advocate.
Sh. Monis Ahmed, Ld. Counsel for the accused/ applicant.

This is an application for grant of bail to accused Suraj @ Chusi, S/o Jai Kishore u/s 437 CrPC.Reply has been filed by IO alongwith the previous involvement report of the accused.

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 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.

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 accused was formally arrested w.r.t the aforesaid FIR, after he made a disclosure subsequent to his arrest in FIR No. 436/21, PS Rajouri

**MEDHA
ARYA**

Digitally signed by
MEDHA ARYA
Date: 2021.07.15
15:14:47 +05'30'

Garden. It is the case of the prosecution that after his arrest in the said FIR 436/21, the accused disclosed that he had stolen the battery of the bike of the complainant w.r.t the above captioned FIR. The accused was formally arrested on 06.06.2021 and is languishing in custody since then. Recovery has already been effected. Reply of the IO does not show any cogent ground meriting the further pre-trial detention of the accused. Further as per the reply of the IO, out of the four cases pending against the accused, the accused has already been granted bail w.r.t two cases i.e. in FIR No. 971/20 and FIR No. 436/21, both PS Rajouri Garden. The accused has not been convicted in any of the cases pending against him as such the previous involvement report of the accused does not merit the further pre-trial detention of the accused. 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 **Suraj @ Chusi, S/o Jai Kishore** is admitted to bail on his furnishing of personal bond in the sum of Rs. 5,000/- 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/
applicant.

MEDHA

ARYA

(Medha Arya)

MM-02(West)/THC/Delhi

15.07.2021

Digitally signed by MEDHA
ARYA
Date: 2021.07.15 15:15:31
+05'30'