

SC No. 190/2021  
FIR No. 147/2017  
PS Nabi Karim  
U/s 342/370(5)/374 IPC & Section 16 of Bonded Labour  
System (Abolition) Act & Section 14 of the Child and  
Adolescent Labour ( Prohibition & Regulation) Act &  
Section 23 Juvenile Justice (Care & Protection of Children)  
Act  
State Vs. Danish Ali

07/09/2021

**File taken up today on the bail application u/s. 439 Cr.P.C. of accused Danish Ali for grant of regular bail.**

(Proceeding of the matter has been conducted physically in terms of circular No. 569/RG/DHC/2021 dated 19/08/2021 of the Hon'ble High Court of Delhi and circular No. 1150/46951-47141/DJ/(HQ)/Covid Lockdown/Physical Courts Roster/2021 dated 20/08/2021 of Ld. District & Sessions Judge (HQ), Tis Hazari Courts, Delhi)

**(Physical Hearing)**

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State.  
None has appeared on behalf of the accused Danish Ali.

**Assistant Ahlmad is on leave today.**

By way of present order, this Court shall disposed of bail application u/s. 439 Cr.P.C. of the accused Danish Ali.

Arguments have already been heard on the aforesaid bail application of the accused Danish Ali. Perused the material available on record.

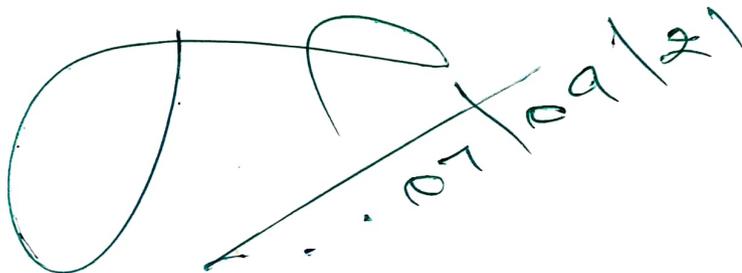
During the course of arguments on the aforesaid bail application, it was submitted by counsel for the accused Danish Ali that first bail application of the accused was dismissed vide order dated 03/03/2021 passed by Ld. Predecessor of this Court after filing of the charge-sheet and the present bail application is second regular bail application of the accused and no other regular bail application of the accused is pending or decided by Hon'ble Superior Courts. It was further submitted that the accused has been falsely

implicated in the present case and there is no incriminating evidence against the accused and accused is no more required for the purpose of further investigation as charge-sheet has already been filed in the present case. It was further submitted that after dismissal of the first bail application, there is change in the facts and circumstances of the present case. It was further submitted that first regular bail application of the accused was dismissed on 03/03/2021 by the Ld. Predecessor of this Court with observation that children and their father are yet to be examined. It was further submitted that both children namely master Attaullah and master Samroj and their father namely Mohd. Jishan have already been examined as PW-1, PW-2 and PW-3 and only the official/police/formal witnesses remain to be examined. It was further submitted that PW-1, PW-2 and PW-3 have not supported/corroborated the case of the prosecution during the course of their testimonies. It was further submitted that accused is in J/C since 12/10/2020. It was further submitted that the accused has no previous involvement in any other case. It was further submitted that bail be granted to accused and accused shall be abide by all terms and conditions imposed by this court.

During the course of arguments, it was submitted by Addl. P.P. for the State that the allegations against the accused are serious in nature and accused can abscond, if the bail is granted to the accused. It was further submitted that there is sufficient incriminating material available on record against the accused and bail application of accused Danish Ali be dismissed.

In the present case, charge for the offences u/s 342/370(5)/374 IPC & Section 16 of Bonded Labour System (Abolition) Act & Section 14 of the Child and Adolescent Labour ( Prohibition & Regulation) Act & Section 23 Juvenile Justice (Care & Protection of Children) Act was framed against the accused Danish Ali.

It is well settled law that at the stage of considering bail, it would not be proper for the Court to express any opinion on the merits or demerits of the prosecution case as well as defence.



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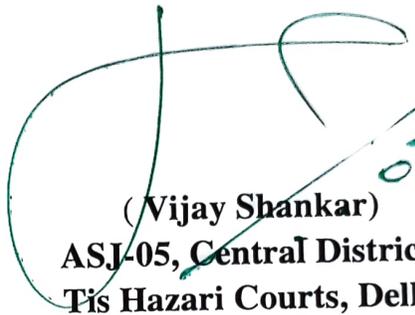
After filing of the charge-sheet, first regular bail application of the accused was dismissed vide order dated 03/03/2021 passed by the Ld. Predecessor of this Court. Vide aforesaid order dated 03/03/2021, it was observed that " *this Court does not find any ground to release the applicant on bail till the examination of the children and their father*". Both children namely master Attaullah and master Samroj and their father namely Mohd. Jishan have already been examined as PW-1, PW-2 and PW-3 and only the official/police/formal witnesses remain to be examined. The present application being an application for bail, details of evidence on record is not discussed. Accused is stated to be in J/C since 12/10/2020. Accused Danish Ali is stated to have no involvement in any other case. No useful purpose will be served by keeping the accused behind the bars. Considering the facts, circumstances and in view of the submissions made, bail application of the accused Danish Ali is allowed and accused Danish Ali is admitted to court bail on furnishing personal bond and surety bond in the sum of Rs. 25,000/- each with two sureties each of like amount to the satisfaction of the Court subject to the conditions that:-

- i) Accused shall not flee from the justice;*
- ii) Accused shall not tamper with the evidence;*
- iii) Accused shall not threaten or contact in any manner to the prosecution witnesses;*
- iv) Accused shall not leave the country without permission of the Court;*
- v) Accused shall convey any change of address immediately to the SHO/IO and the Court;*
- vi) Accused shall also provide his mobile number to the Court and SHO/IO.*
- vii) Accused shall keep his such mobile 'Switch On' at all the time;*
- viii) Accused shall regularly appear before the Court on each and every date of hearing;*

*[Handwritten signature and date 07/09/21]*

*ix) Accused shall not indulge in any kind of criminal activities;*

A copy of this order be sent to the concerned Jail Superintendent for information and necessary action. Order be uploaded on the website of the Delhi District Court. Counsel for the accused is at liberty to collect the copy of present order through electronic mode.

  
07/09/21

**(Vijay Shankar)**  
**ASJ-05, Central District**  
**Tis Hazari Courts, Delhi**  
**07/09/2021(A)**