

**FIR No.260/21
PS Rajouri Garden
State Vs. Mohit Kumar
u/s 454/380/411/34 IPC**

14.07.2021

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 Mohit Kumar, S/o Sher Singh has been filed u/s 437 CrPC.

Reply has been filed by IO alongwith the previous involvement report of the accused.

It is submitted by the Ld. LAC 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."

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It is the case of the prosecution that the accused/ applicant alongwith one Hari Om entered the premises of the complainant with a view to commit theft and they were apprehended on the spot, in possession of the water meter as well as water motor. The accused/ applicant is languishing in custody since 13.04.2021. Recovery has already been effected. Investigation is complete and reply of the IO does not show any cogent ground meriting the further pre-trial detention of the accused. Further, as per the previous conviction/ involvement report filed by the IO, the accused has clean antecedents. Furthermore, 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 **Mohit Kumar, S/o Sher Singh** 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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(MedhaArya)
MM-02(West)/THC/Delhi
14.07.2021

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