

Farman vs The State Govt Of Nct Delhi & Anr on 7 January, 2022

Author: Subramonium Prasad

Bench: Subramonium Prasad

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 3870/2021
FARMAN

..... Petitioner

Through: Mr. A. K. Dey, Advocate.

versus

THE STATE GOVT OF NCT DELHI & ANR. Respondents

Through: Ms. Meenakshi Chauhan, APP for the
State with SI Shamsher Singh PS
Sarita Vihar.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD
ORDER

% 07.01.2022 HEARD THROUGH VIDEO CONFERENCING

1. This application under section 438 Cr.P.C has been filed for grant of bail to the petitioner in the event of arrest in FIR No.449/2020 dated 29.11.2020, registered at Police Station Sarita Vihar for offences under Sections 429/153A/295A/34 IPC and Sections 12/4 of Delhi Agricultural Cattle Preservation Act and Section 11L of the Prevention of Cruelty to Animals Act, 1960.

2. It is stated that a PCR call was received vide DD No.05A at Police Station Sarita Vihar in the intervening night of 28-29/11/2020 stating that a cow is being slaughtered near Jasola Metro Station. On receipt of the said call, the police reached at the spot where they found that one boy apprehended by the public was being beaten up. On further enquiry, two bulls were found lying slaughtered in the bushes of the Jasola ground. It is stated that the boy who had been apprehended was identified as one Shadab S/o Yamin aged 22 years. It is stated that on further enquiry, the boy informed that there are seven members in their gang and the petitioner herein is one of the associates. It is stated that subsequently, the instant FIR No.449/2020 dated 29.11.2020, at Police Station Sarita Vihar for offences under Sections 429/153A/295A/34 IPC and Sections 12/4 of Delhi Agricultural Cattle Preservation Act and Section 11L of the Prevention of Cruelty to Animals Act, 1960 was registered.

3. It is stated that the petitioner approached the learned Trial Court for grant of bail which was dismissed by the learned learned Additional Session Judge-04 (NDPS), South East District, Saket Courts, New Delhi, vide order dated 21.05.2021.

4. The petitioner, thereafter, approached this Court by filing the instant application for the grant of bail.

5. The notice was issued on 28.10.2021. The status report has been filed.

6. Learned counsel for the petitioner states that the offences which have been alleged against the petitioner are under Sections 429/153A/295A/34 IPC and Sections 12/4 of Delhi Agricultural Cattle Preservation Act and Section 11L of the Prevention of Cruelty to Animals Act, 1960. He states that if the petitioner is convicted, the maximum punishment would be of three years. He states that all the evidence has been recovered and no purpose would be served in keeping the petitioner in custody.

7. Ms. Meenakshi Chauhan, learned APP for the State, vehemently opposes the bail application of the petitioner by contending that the petitioner is accused of a very serious offence. She states that the petitioner has been evading arrest. She further states that the petitioner is also involved in FIR No.814/2014, registered at PS Jamia Nagar for the offence under Sections 308/34 IPC.

8. Considering the fact that the petitioner is accused of offences under Sections 429/153A/295A/34 IPC and Sections 12/4 of Delhi Agricultural Cattle Preservation Act and Section 11L of the Prevention of Cruelty to Animals Act, 1960 where the petitioner if convicted, the maximum punishment would be of three years and also taking into account the fact that all the evidence has already been recovered by the police, and the petitioner is not in a position to tamper with the evidence or threaten the witnesses, this Court is inclined to grant bail to the petitioner in the event of arrest on the following conditions:

a) The petitioner shall furnish a personal bond in the sum of Rs.35,000/- with two sureties, one of them should be the relative of the petitioner, in the like amount to the satisfaction of the Investigating Officer/SHO concerned;

b) The Memo of Parties shows that the petitioner is residing at H. No.-72/231, Gaffar Manzil, Gali No.1, Jamia Nagar, New Delhi-

110025. The petitioner is directed to reside at the same address. In case of any change of address, he shall inform the same to the Investigating Officer;

c) The petitioner is directed not to leave NCR of Delhi before prior permission of the Court;

d) The petitioner is directed to co-operate with the investigation as and when called for by the Investigation Officer.

e) The petitioner is directed to give all his mobile numbers to the Investigating Officer and keep them operational at all times;

f) Violation of any of the above conditions shall entail immediate cancellation of the bail granted to the petitioner.

9. The bail application stands disposed of along with all the pending application(s), if any.

SUBRAMONIUM PRASAD, J JANUARY 7, 2022 S. Zakir