

Salam @ Shah Alam vs The State (Govt. Of Nct Of Delhi) on 1 October, 2020

Author: Prathiba M. Singh

Bench: Prathiba M. Singh

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.A. 318/2020

SALAM @ SHAH ALAM

Through:

Mr. R.P.S.

(M:9810568180)

versus

THE STATE (GOVT. OF NCT OF DELHI)

..... Res

Through: Mr. Raghuvinder Verma, APP

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% 01.10.2020

1. This hearing has been done by video conferencing. CRL.M.A. 7322/2020 (delay in filing appeal)
2. For the reasons stated in the application, the delay in filing the appeal is condoned. The application is disposed of. CRL.M.A. 7321/2020 (exemption)
3. Allowed, subject to all just exceptions. Application is disposed of. CRL.M.(BAIL) 6490/2020
4. The Applicant in this case has been convicted under Sections 392/34, read with Section 397, of the IPC and has been sentenced to serve 7 years rigorous imprisonment with a fine of Rs.2,000/-. The Applicant has already undergone 3 years and 9 months of his sentence. As per the nominal roll his conduct has been satisfactory. The Applicant has filed the present first appeal against his conviction and sentence. He seeks suspension of sentence and bail by way of this application.
5. As per the latest status report, which has been filed on 29th September Digitally Signed By:SINDHU KRISHNAKUMAR Signing Date:03.10.2020 17:12:38 2020, the Applicant is residing in House No.0, near Nuri Masjid, Azad Enclave, Loni Dehat, Ghaziabad, U.P, with his wife Mrs. Dimpy Khatun and six children. The statements of the neighbours have also been recorded. The

status report reads as under:

"... In this regard it is further submitted that enquiry in to the matter has been got conducted through HC Sanjay No.1201/SHD. He reached at H.No.-H-12, Gali No.1, Ganga Vihar, Delhi which is the address mentioned on the Aadhar Card of the appellant. House owner of the said property Sh. Mahender s/o Hira lal met him there and he has stated that Shah Alam s/o Mannan Khan had lived in his house as a tenant on the first floor of his house about 20 years back. He lived in his house for about two years and now he does not know his present whereabouts. After that HC Sanjay reached at Inam Vihar, Loni Dehat, Gzn. (U.P.), which is the address of surety Ram Veer Singh S/o Lakhmi Chand. Surety of appellant Ramveer Singh has stated that neither he knew any Salam Khan nor he had ever seen him. He further stated that he would not like to give surety of Salam Khan. Then HC Sanjay reached at H. No.0, near Nuri Masjid, Azad Enclave, Loni Dehat. Gzb. (U.P.) which is the address mentioned on the Aadhar Card of the appellant's wife Smt. Dimpay Khatun. Smt. Dimpay Khatun had met there and she has stated that she is wife of Salam Khan and for last 9 years she has been living there along with her 06 children. This house is of her mother in law who has already been expired. She has denied to have any documents of said house. During verification statements of the neighbours (1) Mohd Riyazuddin s/o Sageer Hassan R/o H. No 35, Pooja Colony, Loni Road, Pavi Sadnapur, Gzb.(U.P) and (2) Jiyaul Hassan S/o Faizli R/o H. Digitally Signed By:SINDHU KRISHNAKUMAR Signing Date:03.10.2020 17:12:38 No 209, Azad Enclave, Loni Dehat, Gzb. (U.P) have been recorded and they have stated that they knew Smt. Dimpay Khatun W/o Shah Alam Khan@ Salam for the last 9 years as she along with her 6 children lives at H. No. 0, Azad Enclave, Loni, Ghaziabad, U.P. They further stated that this house is of her mother in law Smt. Azma Khatun who has been expired."

6. In almost all the FIRs which are stated to have been registered against the Applicant, he has either been acquitted or released. Considering the fact that the permanent address of the Applicant has been ascertained and that he is living with his wife and six children, as well as the fact that the Applicant has already undergone more than 50% of his awarded sentence and that this appeal deserves to be admitted, the application for release on bail is allowed in the following terms and conditions:

1. The Applicant shall furnish a personal bond of Rs.20,000/-, with a surety of like amount, to the satisfaction of the duty Magistrate.
2. The Applicant shall provide his active mobile number to the IO- Inspector Mangesh Tyagi, SHO P.S. M.S. Park, and report either to him or IO Nittu Kumar, on a weekly basis.
3. He shall not leave the area of Ghaziabad and Delhi without the permission of the IO.

4. The Applicant shall observe good conduct. If found indulging in any unlawful activity, or if any criminal complaint is lodged against him, this bail shall be automatically cancelled.

5. Undertaking given in the bail application that if the appeal is decided against him, the Applicant shall surrender is accepted by this Court and the Applicant shall be bound by the same.

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7. IO shall coordinate with the SHO of the local area of Ghaziabad, to inform the local PS of today's order. If the prosecution finds that at any stage, due to violation of bail conditions or any other reason, the bail is liable to be cancelled, liberty is given to approach this Court. The application is disposed of.

8. Admit. List in due course.

PRATHIBA M. SINGH, J.

OCTOBER 1, 2020 dk/Ak