

IN THE COURT OF SH. AMITABH RAWAT,
ADDITIONAL SESSIONS JUDGE-03,
SHAHDARA DISTRICT, KKD COURT, DELHI

Bail Application No. 2450/2020	State Vs. Osama
Bail Application No. 1758/2020	State Vs. Gulfam @ Sonu Chikna
Bail Application No. 2449/2020	State Vs. Aatir

FIR No. 132/2020
PS-Jafrabad
U/s. 147/148/149/427/436/380/34 IPC

ORDER

04.01.2021

1. Vide this common order, I shall dispose off three separate bail applications moved on behalf of accused Osama, Gulfam @ Sonu Chikna and Aatir.
2. Sh. Abdul Gaffar, Ld. Counsel represented all the three applicants/accused persons while Sh. Uttam Dutt, Ld. Special Public Prosecutor represented the State.
3. I have perused the record including the charge-sheet.
4. As per the charge-sheet, the present case has been registered on the complaint of Nasir Ahmad, who sells fruits for the last 15 years and owns a godown at T-200, Main Road, Bhojpur, near Victor Public School, Delhi. On 25.02.2020 at 11.00 am, a group of more than 100 people came and looted the fruits worth Rs. 2 lac and burnt two reharis in the said godown. Based on this complaint, the present FIR was registered u/s 147/148/149/427/380/436/34 IPC.

5. As per the charge-sheet, accused Gulfam @ Sonu Chikna, Aatir and Osama, who were arrested in FIR No. 107/2020 PS-Jafrabad, had disclosed their roles in the commission of the offence in the present case. Accordingly, accused persons namely Aatir and Gulfam were formally arrested on 08.04.2020 from Mandoli Jail and accused namely Osama was formally arrested on 10.04.2020 from Tihar Jail.

6. The reply to the bail application had mentioned about one witness Lalit who is the complainant in FIR No. 113/2020 PS-Jafrabad pertaining to adjoining premises (of the present case) as being an eye witness in the present case as well. Moreover, two more eye witnesses' statements is stated to have been recorded under section 161 Cr.P.C. and which will be filed with the supplementary charge-sheet.

7. After going through the bail applications, reply and particularly charge-sheet, I cannot help but notice the carelessness with which the charge-sheet has been prepared and filed. The investigation carried out, is perfunctory. The list of witnesses filed, mentions some witnesses. However, no statement u/s. 161 Cr.P.C of any of the witnesses has been filed with the charge-sheet. The charge-sheet was filed on 22.05.2020 in a very lackadaisical manner.

8. Considering the period of custody of the accused persons that they have gone through and the nature of investigation and the charge-sheet as stated above, all three bail applications under section 439 Cr.P.C of all the three applicants are allowed. Accordingly, all three applicants Osama, Gulfam @ Sonu Chikna and Aatir are admitted to bail on their furnishing Bail bond in the sum of Rs.10,000/- each with one surety of the

like amount to the satisfaction of Ld. MM/Link MM/Duty MM subject to the conditions:

- (a) The applicants/accused persons shall neither leave the jurisdiction of NCT of Delhi without prior permission of the court nor shall they indulge in any kind of criminal activity.
- (b) They shall also not tamper with any evidence or contact any witnesses.
- (c) They shall attend the court on every date of hearing or as directed by court.

Accordingly all the three bail applications of accused persons Osama, Gulfam @ Sonu Chikna and Aatir are disposed off.

Copy of this order be also mailed to all the parties i.e. counsel for applicant/accused, Ld. Special Public Prosecutor and the Investigating Officer.

(AMITABH RAWAT)
Addl. Sessions Judge-03,
Shahdara District,
Karkardooma Courts,
Dated: 04.01.2021.