

**IN THE COURT OF SH. AMITABH RAWAT,
ADDITIONAL SESSIONS JUDGE-03
(SHAHDARA), KARKARDOOMA COURT, DELHI**

Bail Application No. 2794-2021

FIR No. 50/2020

PS- Jafrabad

U/S. 109/147/148/149/186/188/283/302/307/323/332/333/353/427/120B/34

IPC r/w Section 25/27 Arms Act & Section 3/4 PDPP Act

State Vs. Rifaqat Ali

06.09.2021

Vide Office Order No. **6736-6759/Judl./SHD/2021**, dated **21.08.2021** of the Ld. Principal District & Sessions Judge (Officiating) Shahdara District, KKD Courts, Delhi hearing in all the matters is being conducted through video conferencing using CISCO Webex App.

Present : Sh. Rajeev Krishan Sharma, Ld. Special Public Prosecutor for the State.

Ms. Deeksha Dwivedi, Ld. Counsel for accused Rifaqat Ali.

I.O/Inspector Rajeev Kumar.

Reply to the bail application has been received.

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Arguments heard on the interim bail application of applicant/accused Rifaqat Ali. I have perused the record.

1. Ld. Counsel for the applicant/accused Rifaqat Ali has submitted that applicant/accused Rifaqat Ali is the eldest member in his house which includes his wife, his two daughters and his separated sister alongwith her

04 daughters. He is responsible for their bread and butter. The sister of the applicant separated from her husband in the year 2007 and started living alongwith her 04 daughters with the applicant and his family at his house. It was further submitted that the wedding of the eldest daughter of applicant's sister namely Gulnaaz aged 18 years was fixed by the applicant before he was arrested in January 202. However, the marriage kept on getting postponed due to the absence of the applicant as he was the one who was responsible for taking care of everything including the finances. It was further submitted that the marriage is fixed to take place on 12.09.2021 at Hussain Barat Ghar, near Tent Wala School, Main Road, Jafrabad, Delhi. However, in the absence of applicant and lack of finances, the family has not been able to prepare for the wedding. (the marriage card of aplicant's niece Gulnaz is annexed alongwith the application). It is further submitted that applicant undertakes to surrender before the Court or Jail, as directed, in case he is granted relief of interim bail to arrange for and attend his niece's wedding.

It is, thus prayed for that interim bail be granted.

2. On the other hand, Ld. Special Public Prosecutor has submitted that the regular bail of the applicant/accused has been dismissed by this Court on 28.07.2021. The marriage card and the documents regarding the marriage has been verified and found to be correct. However, in case of grant of

interim bail, accused shall surrender as it cannot have an automatic extension.

3. In the present case, regular bail application of applicant/accused Rifaqat Ali was dismissed by this court on 28.07.2021. The allegations and the evidence against the accused are quite serious. However, the present bail has been sought on the ground of marriage of Ms. Gulnaz, niece of applicant on 12.09.2021 and since he is the only male member in the family and given the reasons shown for asking interim bail, I am inclined to allow the present interim bail application and accordingly applicant/accused Rifaqat Ali is granted interim bail for a period of two weeks from the date of his release subject to furnishing of personal bond in the sum of Rs.20,000/- with one surety in the like amount.

The accused upon his release shall not get in touch with any of the witnesses nor will tamper with the evidence and will not leave the city of NCT of Delhi without prior permission and will provide his mobile number to the Investigating Officer and shall keep his mobile phone open till the period of interim bail. The accused shall also call the Investigating Officer daily.

On the expiry of interim bail of two weeks, the accused shall without fail, surrender himself before the concerned Jail Superintendent, who shall thereafter file a report to this court.

4. It is, however, made clear that the present case is not covered as per the HPC guidelines as it is riots case and serious matter under Section 302 IPC. This order is passed for a specific period for performing marriage and related functions and hence, accused shall positively surrender after two weeks from the date of his release, as directed above and as also vehemently submitted by Ld. Counsel for applicant.

Accordingly, interim bail application of applicant/accused Rifaqat Ali stands disposed of.

Copy of this order be sent to the Ld. Counsel for applicant/accused, the Ld. Special Public Prosecutor, the concerned Investigating Officer as also to the concerned Jail Superintendent for information and compliance.

Digitally signed
by AMITABH
RAWAT
Location:
Shahdara
District,
Karkardooma
Courts, Delhi
Date: 2021.09.06
13:05:35 +0530

(Amitabh Rawat)

Addl. Sessions Judge-03

Shahdara District, Karkardooma Courts,

Dated: 06.09.2021