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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 4340/2016**

HAFIZ ZAKIR HUSSAIN

..... Petitioner

Represented by: **Mr. Sameer Chandra and Mr.
Sunny Pradhan, Advocates.**

versus

THE STATE (NCT OF DELHI)

..... Respondent

Represented by: **Ms. Meenakshi Chauhan, APP
for the State with SI Rakesh
Ahluwalia, AATS/SED.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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14.12.2016

1. The petitioner is an accused in case FIR No. E-8899/16 under Sections 379/401/411/120B IPC registered at PS Crime Branch, South East on the basis of theft of motorcycle which was later recovered lying abandoned.

2. The petitioner was arrested on the basis of a disclosure statement. As per the disclosure statement the petitioner was found involved in two other cases out of which one is compounded and the petitioner is thus facing trial only in the above noted FIR.

3. While granting bail the learned Additional Sessions Judge directed the petitioner to furnish personal bond and surety bond of ₹50,000/- each subject to the satisfaction of the MM/Duty MM/Link MM, with further condition that the petitioner will not influence the witnesses, shall report to

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the police station once in a week and shall not leave Delhi without prior permission of the learned Trial Court till the conclusion of the trial.

4. The petitioner who is a resident of Manipur had challenged the said order initially qua all three conditions, that is, high surety bond, directions to report to the police station once a week and not the leave Delhi without prior permission of the learned Trial Court. However, today learned counsel for the petitioner submits that the petitioner has been able to arrange a surety bond of ₹50,000/- and has already been released on bail. Thus his grievance is limited to the other two conditions of reporting to the police station every week and not to leave Delhi without permission of the learned Trial Court.

5. Learned counsel for the petitioner also points out that on 11th November, 2016 after this impugned order was passed by the learned Additional Sessions Judge, the co-accused was also granted bail by CMM against whom the only condition imposed was that he would be present on each date of hearing before the learned Trial Court and that he will not influence the witnesses.

6. Considering the fact that the petitioner is a resident of Manipur, the conditions imposed by the learned Additional Sessions Judge vide the impugned order renders the bail order nugatory for the petitioner as he cannot even visit his residence which is in India itself. In my considered opinion the order dated 9th November, 2016 passed by the learned Additional Sessions Judge is required to be modified. The petitioner on being released can leave Delhi without prior permission of the learned Trial Court but will not leave the country without prior permission of the learned Trial Court concerned. Further he would not influence the witnesses and

will attend each and every date of hearing before the learned Trial Court and will also report to the police station at his native place, that is, Police Station Moirang, District Bishnu Pur, Manipur once in a month, that is, first Monday of every month at 4.00 PM in case, that is not the date fixed before the learned Trial Court in which he is attending the learned Trial Court or travelling to Delhi and in each case prior intimation will be given to the concerned Police Station.

7. Petition is disposed of modifying the order dated 9th November, 2016 passed by the learned Additional Sessions Judge as per the terms noted above.

8. Order dasti.

MUKTA GUPTA, J.

DECEMBER 14, 2016

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