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

+ BAIL APPLN. 761/2024, CRL.M.A. 23863/2024, CRL.M.A.
25113/2024, CRL.M.A. 27265/2024 & CRL.M.A. 27266/2024

TASLEEM

.....Petitioner

Through: Mr. Rajiv Khosla, Mr. Sunil Singh,
Ms. Prachi Chaurasiya and Mr. Ajit
Khosla, Advs.

versus

STATE

.....Respondent

Through: Mr. Pradeep Gahalot, APP for the
State with SI Om Kant Yadav, PS
Hauz Qazi.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **17.09.2024**

CRL.M.A. 27266/2024 (Exemption)

1. Exemption allowed subject to just exceptions.
2. Application stands disposed of, accordingly.

CRL.M.A. 23863/2024

3. This application has been filed for modification of bail condition mentioned in para 14(d) by order dated 21st March, 2024 whereby this Court granted bail to the petitioner in Bail Application 761/2024. As per the said condition, petitioner was to mark his attendance with the SHO/IO concerned on every second and fourth Saturday between 11:00 A.M. to 12:00 Noon. Petitioner states that an event to mark his attendance on 27th April, 2024 he was forcefully taken by several police officials in plain clothes in the Bolero Car to the Special Cell and detained there, without any offence, and was



falsely implicated on 28th April, 2024 vide FIR No.139/2024 under Sections 25/54/59 of the Arms Act and a country made pistol was planted upon him. A complaint was sent by the petitioner on 10th May, 2024 to the Commissioner of Police regarding his false implication.

4. However, this aspect has been countered by the APP. The State has in fact filed a cancellation of bail petition contending that the petitioner in fact violated the bail conditions by providing a phone number which was found in the name of Mohammad Sadiq his brother, and not in the name of the petitioner and he was arrested in the Arms Act case where FIR No.139/2024 was registered, and he did not visit PS Hauz Qazi on 13th April, 2024 to mark his attendance.

5. Reply has been filed to the said application where the petitioner states that the said mobile phone was being used by the petitioner but it was seized by the Special Cell and was kept in working condition in all times. Further, mobile No.8860283292 has been provided to the IO by letter dated 09th August, 2024. As regards his non-appearance on a particular day before the IO he said he was unwell and, therefore, it was missed only on that occasion.

6. The APP for the State, however, points out to the numerous previous involvements of the petitioner and the SCRB report has been placed on record. Counsel for the petitioner states that these are prior to 2014 and he has been acquitted in most of the matters.

7. In the opinion of this Court, considering the history of previous offences, in some of which he was convicted, no ground is made out for modifying the conditions in the order dated 21st March, 202 as pleaded by the petitioner.

8. However, in these circumstances, which have been stated in response



by the petitioner to the cancellation of bail request, the Court is not inclined to cancel the bail of the petitioner, particular since it was noted in the order of 21st March, 2024 of this Court while granting bail, that the offence was under Section 384 IPC and maximum punishment could be awarded was 3 years and the petitioner had already been incarcerated for a period of more than 2 years; therefore he was given the benefit of Section 436A Cr.P.C.

9. Accordingly, the application is dismissed.

CRL.M.A. 25113/2024

1. This application has been filed by the State for vacating the order dated 21st March, 2024 and cancelling the bail.
2. For reasons stated above, the said application is also dismissed.
3. Pending applications, if any, are rendered infructuous.
4. Order be uploaded on the website of this Court.

ANISH DAYAL, J

SEPTEMBER 17, 2024/MK