**IN THE HON’BLE COURT OF MS SHIVANI CHAUHAN, LD, MM, SAKET COURTS COMPLEX, NEW DELHI**

**BAIL APPLICATION NO. \_\_\_\_\_\_\_\_ Of 2018**

**IN THE MATTER OF:**

NOOR MOHAMMAD … APPLICANT/ACCUSED

 VERSUS

THE STATE

(N.C.T. OF DELHI) … RESPONDENT

FIR No. : 340/17 DT. 06.11.2017

U/S : 392/411/34 IPC

P.S. : SARITA VIHAR

DISTT. : SOUTH EAST

IN J.C. : 08.11.2017

## **I N D E X**

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**S.NO. PARTICULARS PAGE NO.**

1. Memo of parties
2. Application under section 439

Cr.P.C. for grant of bail

1. ***Annexure-A***

Copy of FIR.

1. Vakalatnama.

Filed by:-

Delhi. Dated:

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**MEMO OF PARTIES**

NOOR MOHAMMAD

S/O KADIR UL HASAN

R/O H. NO.87, 40 FOOTA ROAD

SHAHEEN BAGH

NEW DELHI. …….APPLICANT/ACCUSED

VERSUS

THE STATE

(N.C.T. OF DELHI) … RESPONDENT

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**APPLICATION UNDER SECTION 439 OF THE CODE OF CRIMINAL PROCEDURE FOR GRANT OF REGULAR BAIL FOR AND ON BEHALF OF THE APPLICANT/ACCUSED NAMELY NOOR MOHAMMAD.**

MOST RESPECTFULLY SHOWETH:-

1. **BRIEF FACTUAL MATRIX AS PER THE PROSECUTION CASE:-**

That the present FIR No. 340/17 dt. 06.11.2017 was registered on the complaining statement of Shri. Tej Prakash, S/o Sh. Firhi, who works as a driver for the vehicle of Shri. Raj Dev S/o Shri Jinkau. Complainant alleged that on 06.11.2017 at about 11:30 AM, he was transferring tiles in vehicle no. DL 1LU 5741 from Bhogal to Sarita Vihar; and while returning back from Sarita Vihar, he stopped at road side near Road No. 13 DDA Park, A block, Sarita Vihar to pee. The complainant further alleged that in the meanwhile three boys aged about 20-22 years, who were on their motorcycle, stopped and one of them locked him up by his neck while the other forcibly took away Rs.1200/- from his pocket and the third one snatched the mobile phone from his hand. The copy of the FIR is annexed herewith as ***Annexure-A***.

1. **THE APPLICANT IS SEEKING HIS RELEASE ON BAIL ON THE FOLLOWING AMONGST OTHER GROUNDS:**
2. That the present applicant/accused is the law abiding and peace loving citizen of this country having clean antecedents. He has deep roots in the society and has never been found guilty of violating the law of land.
3. That the applicant/accused submits that he has been falsely implicated in the present case by the police officials in order to harass him.
4. That the applicant/accused is a young boy aged about 20 years. He is working as a Daily wage laborer (Painter) and is the sole bread earner of his family and keeping him into custody will affect the whole family financially and mentally.
5. That the applicant/accused was falsely implicated in the present case by the complainant in connivance with the police officers, who arrested the applicant/accused on 06.11.2017 and thereafter, sent him in the judicial custody on 08.11.2017, and since then he is in judicial custody.
6. That now nothing has been recovered from the possession or at his instance of the applicant/accused. So, the applicant/accused is not required for any further custodial interrogation.
7. That the applicant/accused undertakes not to misuse the liberty granted by this court and further undertakes not to temper with the prosecution evidence or influence the prosecution witnesses and shall be available during the trail as and when he is called to do so.
8. That the Applicant/Accused is ready to submit himself to any condition/conditions, which this Hon’ble Court may impose to allay the fears of the prosecution of any kind of likely absence from the trial.
9. That it may be submitted that the paramount consideration of bail are the availability of the applicant to face trial, and in the instant case, there could be no such apprehensions about the applicant evading his trial as the Applicant/Accused is a permanent resident of the address stated above. The Applicant/Accused craves the indulgence of this Hon’ble Court to exercise its discretionary relief.
10. That the present applicant/accused is a respectable citizen of this country, having clean antecedents and have never been found guilty of violating the law of land, thus there is no likelihood of his either fleeing from justice or absconding should this Hon’ble Court release him on bail. No fruitful purpose will be served by keeping him in the judicial custody any more.
11. That the present applicant/accused submits that he has been victimized. He is confident to prove his innocence before any Court of Law and any detention at this stage would only be pre-trial incarceration without any fault on his part being innocent.
12. That the present applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or temper with the evidence.
13. That it may be submitted that the paramount consideration of bail is the availability of the applicant to face trial, and in the instant case, there could be no such apprehensions about the present applicant/accused evading his trial should this Hon’ble Court release him on bail.
14. That the present applicant/accused seeks the kind permission of this Hon’ble court to raise such other or further grounds as may be available to him at the time of hearing of the present petition.

**PRAYER**

It is, therefore, most respectfully prayed before this Hon’ble Court that in the given facts and circumstances of this case, it may, in the interest of justice, be pleased to:

1. Pass the order thereby directing the respondent to release the present applicant/accused on bail till the conclusion of trial of this case; and/or
2. Pass any other order(s) which this Hon’ble Court may deem fit and proper under the facts and circumstances of this case.

Applicant/ accused

(In Judicial custody)

Through

Delhi.

Dated: