

Sessions Court in Karkardooma has denied bail to Delhi riots accused Mohd Faizan Khan who is accused of causing destruction to property and physical harm to multiple individuals during the riots.

While denying bail, the Additional Sessions Judge relied upon the gravity of the allegations levied against the accused as well as the account of the eye witness. The court said:

*'I have given my thoughtful consideration to the arguments advanced at bar and I find that although the chargesheet in the matter has been filed, but further investigation in the matter still continues as the reports of 7 DVRs collected from Rajdhani Public School are yet to be analysed and the process of identification of several rioters is going on.'*

During the course of the hearing, the Crime Branch of Delhi Police was faced with the questions pertaining to registration of FIRs and delay in investigation.

The Crime Branch responded by stating that FIRs in the riot matters were registered till 25.03.2020 and thereafter the lockdown was announced and police officials got busy in taking care of COVID-19 situation.

It was further submitted by the Crime Branch that at the relevant point of time when the riots took place in the area of PS Dayalpur, there were only five Investigating Officers and it was not possible for them to have investigated the matter at the earliest.

In order to seek bail, the applicant submitted that the charge sheet has already been filed, the investigation in the matter is already complete, and hence, his custodial interrogation is no longer required.

The applicant also relied upon inconsistencies in Call Data Records and delay in lodging of FIR to further argue his case. The applicant also sought parity with co accused Faizal Farooq, who was granted bail by the Sessions Court on June 20.

The police, on the other hand, submitted that the applicant cannot claim parity with co-accused Faisal Farooq in the matter because his matter is pending before the Delhi High Court.

The police also submitted that the accused was a part of a group of rioters who climbed up to the terrace of the Rajdhani Public School in order to throw petrol bombs on the members of a particular community.

Despite heavily relying upon the gravity of the crime and the damage caused, the police did not present any argument directly linking the accused with the crime committed or

the damage caused. It simply argued that the accused was part of a mob which caused all the destruction and he was identified by one of the eye witnesses.

After taking these submissions into consideration, the court dismissed the bail application and noted that:

*'Considering the gravity of allegations against the applicant; clear eye witness account against the applicant and the possibility that if released on bail at this stage, the applicant may threaten the complainant and eye witness of the case, I am not inclined to admit him on bail.'*

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