

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

I.A. No. 21-2023 (Saddam Malik)

SC No. 162-2021

FIR No. 197/2019

U/S. 3 & 4 of MCOC Act

PS- Crime Branch

State Vs. Abdul Nasir & Ors.

27.09.2023

File taken up today on an application under Section 439 Cr.P.C filed on behalf of applicant/accused Saddam Malik for grant of interim bail for a period of two months.

Present : Sh. Lavdev Singh, Ld. Addl. Public Prosecutor for the State
alongwith Inspector Rohit on behalf of IO.

Sh. Abdul Salam, Ld. Counsel for applicant/accused Saddam
Malik.

Reply to the bail application filed.

IO has also filed verification of treatment papers of patient Ms.
Yashmeen Malik. Same is taken on record.

Arguments heard. Perused the record.

1. Ld. Counsel for accused has argued that the wife of accused is seriously ill and her condition has become from bad to worse and presently she has been admitted on 19.09.2023 at Institute of Human Behaviour And Allied Sciences (Mental Hospital) and still under medical examination. The trial will take long time. It is further argued that accused is a business man and an income-tax payee and has no criminal record till date anywhere in

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India. The accused is a married person and due to his being in judicial custody, his wife has come completely in the position of depression and mentally disturbed one and sometimes she attempts to commit suicide or attempt to cause death herself.

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

2. Ld. Addl. Public Prosecutor has strongly opposed the bail application stating that allegations are serious in nature.

3. IO has filed reply to the present interim bail application stating that on 09.07.2019, present case vide FIR No. 197/2019, under Section 3 & 4 MCOC Act was got registered at PS Crime Branch, Delhi against the "Nasir Gang" after taking due permission from the competent authority in compliance of section 23(1) of MCOC Act. The crime syndicate headed by accused Abdul Nasir is one of the most notorious gangs, at present very active in the area of North-East Delhi and expanding widely in different parts of Delhi including other parts of Trans Yamuna. This crime syndicate is involved in many heinous cases and is basically a daredevil which does not have any regard for the law of the land. The intensity of the commission of crime of this crime syndicate can well be comprehended by the fact that this crime syndicate did not give any second thought before opening fire Arms in a Court room in Delhi while Court proceedings were going on. This Nasir gang has now been associated with many criminals who have committed heinous cases and assisting the gang in committing crime in the area with motive to have pecuniary gain after creating an atmosphere of fear/notoriety

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amongst the businessmen, local persons etc. the members of this syndicate are involved in many heinous cases including murder, attempt to murder, extortion, robbery, rioting etc.

Total, 07 accused persons, namely, Abdul Nasir, Rashid Cable wala, Salman Matu, Md. Wasid Malik @ Wasif @ Neta, Gulfam Khan, Asim@ Hashim Baba and Saddam Mailk have been arrested in present case so far, whereas 8 accused persons are absconding, who are declared as Proclaimed Absconder vide order dated 17.03.2021. On 24.03.2021, applicant/accused Saddam Malik, who was also declared as Proclaimed Absconder vide Court order dated 17.03.2021, was arrested by the staff of AATS, North-East Distt., Delhi. One Pistol and 05 bullets were recovered from his possession and thus a case FIR No. 114/2021, under Section 25 Arms Act was registered against him at PS Jafrabad. Thereafter, production warrant for the accused was got issued from the Hon'ble Court in present case and he was formally arrested in the case on 08.04.2021.

The applicant/accused Saddam Malik, who is named in FIR as well, is a childhood friend of accused Abdul Nasir and is a facilitator of the Nasir gang. He has facilitated the gang members especially Abdul Nasir and Rashid Cable Wala by purchasing disputed properties in his own name. He has conveyed messages of Abdul Nasir among other members of the crime syndicate. Frequent jail visits to meet the members of this crime syndicate corroborate this allegation. He is also very close to the family members of accused Abdul Nasir. He could be seen extensively participating in family

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functions of accused Abdul Nasir. He also collected money from the targets of the crime syndicate headed by Abdul Nasir.

It is stated that the present application is preferred by the applicant accused for seeking interim bail for a period of 2 months, citing reason of ailing health problem of his wife Mrs. Yashmeen Malik, who was admitted in IHBAS on 19.09.2023 and still under medical examination. In response of above-mentioned grounds (mentioned at Para 5), it is submitted that the annexed medical papers of Mrs. Yashmeen Malik are verified from IHBAS (Institute of Human Behaviour & Allied Sciences), Dilshad Garden, Delhi and found correct. As per reply/report received from IHBAS "Patient Yashmeen Malik was registered in IHBAS OPD on 13.09.2023 under the Department of Psychiatry vide CRF (UHID) no. 202300023642 and again she visited Psychiatry Emergency on 19.09.2023. She was given treatment and was discharged on 26.09.2023 and is asked to follow up in OPD after 2 weeks." The report of concerned doctor is enclosed herewith for kind perusal.

It is further stated in the reply filed by IO that apart from father of accused namely Sher Khan Malik (stated to suffering from multiple diseases), applicant Saddam Malik has also three brothers namely (1) Aamir Malik, age 31 yrs, (2) Salman Malik, age 29 yrs, & (3) Sameer Malik, age 19 yrs, who all are very much capable to handle the responsibilities of family. Even now also they are handling, while applicant accused is running in judicial custody since long.

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The interim bail application of the applicant/ accused Saddam Malik is strongly opposed as there are high chances that he may jump the interim bail (as other accused Rashid @ Cable wala in present case has already done), influence/threaten the witnesses, facilitate the absconding accused persons and hamper the investigation of the case; if granted interim bail.

4. 4.1 In the present case, applicant/accused Saddam Malik was earlier declared a proclaimed absconder vide order dated 17.03.2021 and was arrested later on. He is charged with the offence as serious as in The Maharashtra Control of Organised Crime Act, (MCOCA), 1999 and his role being part of an organized crime syndicate led by Gangster Abdul Nasir.

4.2 Present interim bail application has been filed on the ground of medical condition of the wife of applicant/accused.

4.3 As per report filed by the IO after due verification from the IHBAS (Institute of Human Behaviour & Allied Sciences), Dilshad Garden, Delhi "*Patient Yashmeen Malik was registered in IHBAS OPD on 13.09.2023 under the Department of Psychiatry vide CRF (UHID) no. 202300023642 and again she visited Psychiatry Emergency on 19.09.2023. She was given treatment and was discharged on 26.09.2023 and is asked to follow up in OPD after 2 weeks.*"

4.4 Moreover, accused has three other brothers aged around 31

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years, 29 years and 19 years who can take responsibilities of the family.

5. Considering the seriousness of the offence with which accused is charged with, which is a relevant factors for disposal of an application for interim bail and the fact that as per doctor's report, there appears to be no medical emergency in the family, hence, I am not inclined to allow the present interim bail application under Section 439 Cr.P.C filed on behalf of the applicant/accused Saddam Malik and same is accordingly dismissed.

Application is accordingly disposed off.

Copy of this order be given dasti.

(Amitabh Rawat)
Addl. Sessions Judge-03
Shahdara District, Karkardooma Courts,
Dated: 27.09.2023