

Bail Matter 26/2025
AMANATULLAH KHAN
VS
STATE OF NCT OF DELHI
FIR No. 97/2025
PS Jamia Nagar

13.02.2025

Present: Sh. Rajat Bhardwaj, Md. Irshad and Sh. Kaustubh Khanna, Ld. Counsels for the applicant Amanatullah Khan.

Sh. Manish Rawat, Ld. Additional PP for the State/ respondent.

Notice of the present anticipatory bail application has been accepted by the Ld. Additional PP for the State. Copy supplied.

It is submitted by Ld. Counsel for the applicant that notice under Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter, referred to as 'BNSS') has been served upon the applicant for his appearance at Police Station today at 05:00 PM and he has all apprehension that the applicant may be arrested by the Investigating Officer. It is further submitted that on 10.02.2025, a team of police officials reached at the place of incidence for the arrest of accused Shahwez Khan in relation to FIR No. 11/2018. However, the accused Shahwez Khan was already on anticipatory bail granted by Ld. Sessions Court, Saket District Court vide its order dated 30.07.2018.

Clarification qua the same are required. In these circumstances, Ld. Additional PP for State seeks some time to call the Investigating Officer with the case file.

Accordingly, the matter is listed at **01:00 PM** for clarification/further proceedings.

In the meanwhile, let soft copy of the present anticipatory bail application be sent to the Investigating Officer through Ld. Additional PP for State.

(Jitendra Singh)
Special Judge (PC Act) CBI-23
(MPs/MLAs Cases)
Rouse Avenue Court Complex,
New Delhi; 13.02.2025

At 01:00 PM

Present: Sh. Rajat Bhardwaj, Md. Irshad and Sh. Kaustubh Khanna, Sh. Saurav Kakroda and Sh. Dilshad Ali, Ld. Counsels for applicant Amanatullah Khan.

Sh. Atul Srivastava, Ld. Senior PP for State. Ad Sh. Manish Rawat, Ld. Additional PP for the State/respondent.

ACP Jai Naryan Bhardwaj.

Insp. Narpal Singh and Insp. Sudhir Kumar.

IO/SI Nitin, PS Jamia Nagar.

Insp. Sunil Kumar, Crime Branch, Kamla Market.

ACP Pankaj Arora, Crime Branch, Kamla Market.

Arguments on the anticipatory bail application heard.

ALLEGATIONS AS CONTAINED IN FIR NO. 97/2025

1. It is stated in the FIR that the police team reached the place of incident at 03:00 PM on 10.02.2025, for the arrest of accused Shahwez Khan in relation to FIR bearing no. 11/2018. At the time of arrest of the accused, the applicant along with 20 to 25 persons reached the spot and started to cause obstruction in discharge of official duty which resulted in scuffle. It is further alleged that the applicant along with his associates took away accused Shahwez Khan from the spot. On the abovementioned

allegations, FIR u/s 221/121(1)/132/191(2)/190/263(b)/351(3)/111 of Bhartiya Nagarik Samhita, 2023, was registered at PS Jamia Nagar, New Delhi.

SUBMISSION BY LD. COUNSEL FOR APPLICANT

2. It is argued by Ld. Counsel for the applicant that the malafide intention of the police team can be gathered from the fact that they went to arrest one Shahwez Khan who was already on anticipatory bail. Ld. Counsel further submits that the applicant is a sitting Member of Legislative Assembly from Okhla Constituency. Hence, there can be no apprehension of flight risk or evading process of law by the applicant. It is further submitted that applicant is ready to join the investigation as and when required by the Investigating Officer. Ld. Counsel has prayed that the present anticipatory bail may be allowed. Reliance has been placed upon the judgments of *Bhadresh Bipinbhai Sheth vs. State of Gujarat; (2016)1 SCC 152*, *Sushila Aggarwal vs. State (NCT of Delhi); (2020) 5 SCC 1*, *Ravindra Saxena vs. State of Rajasthan; (2010) 1 SCC 684*, *Gurbaksh Singh Sibbia vs. State of Punjab; 1980 (2) SCC 565* and *Sushila Aggarwal vs. State (NCT of Delhi); (2020) 5 SCC 1*.

**SUBMISSION BY LD. SENIOR PP FOR STATE/
RESPONDENT ASSISTED BY INVESTIGATING OFFICER**

3. Per Contra, the said anticipatory bail is oppsed by Ld. Senior PP for the State on the ground that the custodial interrogation of applicant/accused is required in the instant matter for further investigation. Ld. PP has, thus, prayed for dismissal of the present anticipatory bail application.

4. Further, Ld. PP for State/respondent has submitted that he seeks some time to examine the Investigating Officer who has filed the Chargesheet in FIR No. 11/2018. It is further submitted by the Ld. Senior PP for the State that he seeks time to verify whether any Supplementary Chargesheet has been filed qua accused Shahwez Khan in relation to FIR No. 11/2018.

FINDINGS

5. The order sheets which have been filed by the Ld. Counsel for the applicant has been duly verified by the Reader of this Court from the Server. The ordersheets reveal that vide order dated 18.07.2018, the direction were issued to the accused Shahwez Khan to join the investigation on 19.07.2018 in relation to FIR bearing no. 11/2018 and interim protection was also granted. The relevant extract of the said order is reproduced below :-

“Applicant is directed to join investigation on 19.07.2018 at 5.30 p.m.. Till then no coercive steps shall be taken against applicant.....”

6. Thereafter, the said accused was admitted to anticipatory bail on 30.07.2018. The relevant extract of the said order is reproduced below :-

“The applicant has joined investigation and is cooperating in investigation. Accordingly, the application of the applicant for anticipatory bail is allowed and it is ordered that in the event of arrest of applicant Shahwez Khan, he shall be admitted to bail on furnishing personal bond in the sum of Rs. 25,000/- with one surety in the like amount to the satisfaction of IO/SHO”

7. The allegation of the police team that the applicant was instrumental in facilitating the escape of accused Shahwej Khan does not seem to carry weight as he (Shahwej Khan) was already on anticipatory bail in the case in which allegedly police had gone to arrest him.

8. This Court is of the considered opinion that applicant has made out a case for interim protection till the next date of hearing. In the meanwhile, the applicant is directed to join the investigation as and when required by the Investigating Officer. The IO is directed to procure and produce the CCTV Footage in an around the place of incident for determining the nature and gravity of the allegations.

9. **No coercive steps be taken against the applicant Amanatullah Khan till the next date of hearing.**

10. Be listed on 24.02.2025.

11. **It is clarified that nothing mentioned herein above shall tantamount to expression of opinion on the merits of the case.**

12. Copy of this order be given *dasti* to both the parties.

(Jitendra Singh)
Special Judge (PC Act) CBI-23
(MPs/MLAs Cases)
Rouse Avenue Court Complex,
New Delhi; 13.02.2025