

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

**BAIL APPLN. NO. \_\_\_\_\_ OF 2019**

SURESH CHAKMA

...PETITIONER

Versus

THE STATE

(GOVT. OF NCT OF DELHI)

...RESPONDENT

PETITION, UNDER SECTION-439, READ WITH SECTION-482 OF THE CODE OF CRIMINAL PROCEDURE, 1973, FOR GRANT OF BAIL, IN A CASE ARISING OUT OF THE FIR No: 257 of 2017 (Dated:17/08/2017), PS:RANJIT NAGAR U/S: 323/344/354/370/374/343/34 OF IPC, R/W SEC. 16/17 OF BONDED LABOUR SYSTEM ABOLITION ACT AND SEC. 75/79 OF J.J. ACT DISTRICT- CENTRAL DELHI, CURRENTLY PENDING ADJUDICATION IN THE COURT OF MS. NIVEDITA ANIL SHARMA, ASJ, TIS HAZARI COURT, NEW DELHI.

TO,

THE CHIEF JUSTICE

AND HIS COMPANION JUSTICES OF HON'BLE

HIGH COURT OF DELHI, AT NEW DELHI

**MOST RESPECTFULLY SHOWETH:-**

1. That the present Petition has been filed seeking bail in a Case arising out of the FIR No: 257 of 2017 (Dated: 17/08/2017), PS: Ranjit Nagar, U/S: 323/344/354/370/374/343/34 OF IPC, R/W SEC.

16/17 OF BONDED LABOUR SYSTEM ABOLITION ACT AND SEC. 75/79 OF J.J. ACT District- Central Delhi, currently pending in the Court of Ms. Nivedita Anil Sharma, ASJ, Tis Hazari Court, New Delhi. The copy of the FIR and charge sheet is annexed herewith as **ANNEXURE-P-1(Colly)**.

2. That the Petitioner/Accused has been in judicial custody for 24 months since 13.10.17.
  
3. That the present application under section 439 of the Code of Criminal Procedure 1973 is being filed by the Petitioner/Accused seeking grant of bail in case FIR No. 257/2017 registered at Ranjit Nagar Police Station, New Delhi. The Petitioner/Accused has been drawn up as an accused even though his name was not mentioned in the above mentioned FIR and was arrested in the case on 13.10.17. and since then he has been placed behind the bars.

**FACTS:**

4. That on 08.08.17 the Petitioner/Accused lodged a complaint to the Station House Officer, Ranjeet Nagar and before the Labour commissioner, Karampura, Moti Nagar, Delhi against Ram Bilas Paswan (Accused in this case) regarding bondage situation,

non-payment of wage and Illegal Confinement of many bonded labourers. The copy of the said complaint dated 08.08.17 is annexed herewith as **ANNEXURE P-2(Colly)**

5. It was on the basis of Petitioner/Accused complaint, a joint rescue operation was carried out on 17.8.17 by police and many bonded labourers were rescued from the employment of accused persons Ram Bilas Paswan and Anita paswan. FIR bearing No. 257/2017 was registered on the same date.
6. That on 17.08.17 the report of joint rescue operation of child/bonded labour for initiating legal action against the accused was produced to police for taking further action. Where neither the name of the Petitioner/Accused was mentioned nor the rescued victims made any statement against him.
7. That the FIR has been lodged against the accused on 17/08/2017, Where one Anita paswan and Ram Bilas Paswan are mentioned in the FIR, No where in the FIR the Petitioner/Accused Suresh Chakma name has been mentioned.

8. Later on 17/08/17 one rescued person \_\_\_\_\_ W/o [REDACTED] mentioned Petitioner/Accused name in her statement under sec 161 Cr.P.C that the Petitioner/Accused Suresh Chakma has brought her to Delhi on the pretext of getting her a job. The copy of the said statement under section 161 Cr.P.C dated 17.08.17 is annexed herewith as **ANNEXURE P-3**
9. Then, on 26/09/2017, the same [REDACTED] in her statement of victim under section 164 Cr.P.C before the Metropolitan Magistrate stated that one Suraj has brought her to Delhi. Therefore there are strong contradictions between her two statements. The copy of the said statement under section 164 Cr.P.C dated 26.04.17 is annexed herewith as **ANNEXURE P-4**
10. That only on the basis of [REDACTED] statement the applicant was arrested on 13.10.17 and has been in judicial custody since then.
11. Further on 20/08/18 during the trial proceeding Prosecution Witness 2 has mentioned the name of Applicant/Accused Suresh Chakma; that he also came with them by train but has not done anything wrong to her.

12. That the Petitioner/Accused has applied for bail in his fifth bail application in the past, however the bail has not been granted to the accused till date. The latest bail application was heard in the Court of Shri Nivedita Anil Sharma Ld. ASJ Tis Hazari Court on 17th May 2019 wherein this Hon'ble court was pleased in not granting bail to the Petitioner/Accused by observing that all other victims have to give their evidence without any fear and eliminating the possibility of the accused absconding or tampering with the evidence. True copy of the said order dated 17.05.19. is annexed herewith as **ANNEXURE P-5**

13. That on 30.08.19 one prosecution witness PW5 whose name is at serial no.4 in the list of prosecution witnesses has deposed her evidence clearly before the court that the Petitioner/Accused Suresh Chakma and Dhan Bhakta(who is in judicial bail) had come to the office of accused Ram Bilas Paswan and rescued her and also the other girls. Further in her deposition she has clearly mentioned that she was taken to the police station by the Petitioner/Accused Suresh Chakma, Dhan Bhakta, Vilious and one aunty. Over there she has narrated everything to the police officer and her statement has been recorded at the police station. True copy of the PW-5 statement of [REDACTED] dated 30.08.19 is annexed herewith as **ANNEXURE P-6**

14. Hence this sixth bail application

**GROUND:**

- A. That the Petitioner/Accused was informer in the present case and because of his effort many bonded labourers were rescued.
- B. That the Petitioner/Accused was not named in the FIR and he has been falsely implicated in the present case.
- C. The sole piece of evidence against him is the statement of [REDACTED] the rescued bonded labourer u/s 161 CrPC, but on 26/09/2017, the same [REDACTED] in her statement of victim under section 164 Cr.P.C before the Metropolitan Magistrate stated that one Suraj has brought her to Delhi. Therefore there are strong contradictions between her two statements.
- D. That on 30.08.19 one Prosecution Witness PW5 whose name is at serial no.4 in the list of prosecution witnesses deposed her evidence clearly before the court that the Petitioner/Accused Suresh Chakma and Dhan Bhakta(who is in judicial bail) have come to the office of accused Ram Bilas Paswan and rescued her and also the other girls.

- E. Further in her deposition she has clearly mentioned that she was taken to the police station by the Petitioner/Accused Suresh Chakma, Dhan Bhakta, Vilious and one aunty. Over there she has narrated everything to the police officer and her statement has been recorded at the police station.
- F. That the Petitioner/Accused is a young man and he is the only breadwinner of the family. His family is totally dependent on him for their survival.
- G. That the Petitioner/Accused himself is a bonded labour in this case, he is innocent and has been falsely implicated in the above case because he was neither named in the FIR. None of the alleged rescued victims during the raid conducted by Ld. SDM Patel Nagar, have stated anything before the Ld.SDM against the Petitioner/Accused.
- H. That the charge sheet has been filed on 19/01/18, thus no custodial interrogation of the Petitioner/Accused is required. And he is neither required for the purpose of investigation nor any useful purpose would be served by keeping the Petitioner/Accused in custody.

- I. That the Petitioner/Accused respectfully submits that he himself was a bonded labourer and has nothing to do with the commission of the alleged offence.
- J. That the Petitioner/Accused is in custody since 13.10.17 and the trial is likely to take a long time. Almost 24 months has been elapsed. Thus, the Petitioner/Accused seeks his release on bail.
- K. That one of the accused Mrs. Anita Paswan, against whom the charges are more serious and active role has been attributed to her has already been granted bail by the Hon'ble court of Shri Arun Kumar Garg, Ld. MM on 26.08.17.
- L. On 29.05.19 this Hon'ble court granted bail to accused cum informant Dhan Bhakta. Thus, considering the doctrine of parity, the Petitioner/Accused is also seeking his release on bail. According to the Statement of PW5 [REDACTED] the Petitioner/Accused along with Dhan Bhakta rescued the victims.
- M. That there are no chances of tampering with the prosecution evidence in the event of Petitioner/Accused release on bail.
- N. That the Petitioner/Accused does not have any previous criminal antecedents.

O. That the Petitioner/Accused further undertake to abide by all the terms and conditions of the bail which this Hon'ble Court may deem fit to impose in the light of facts and circumstances of this case.

### **Prayer**

In the light of the above facts and circumstances of this case, it is respectfully prayed that this Hon'ble court may be pleased to enlarge the petitioner accused on bail in FIR No. 257/17, u/s 323/344/354/370/374/343/34 IPC r/w Section 16/17 of Bonded Labour System Abolition Act and section 75/79 of J.J. Act, P.S-Ranjit Nagar during the pendency of trial of the present case.

The Hon'ble Court may further pleased to pass any order or direction which this Hon'ble Court may deem fit and proper to pass in the light of facts and circumstances of the case.

It is humbly submitted and prayed

Through

Petitioner  
[In Judicial Custody]  
[Through Perokar]

Gunjan Singh/Arun Kasi  
Advocates for the Applicant