

IN THE HIGH COURT OF DELHI AT NEW DELHI

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

Dhan Bhakta

... Petitioner

Versus

State NCT of Delhi

...Respondent

PETITION, UNDER SECTION-439, READ WITH SECTION-482 OF THE CODE OF CRIMINAL PROCEDURE, 1973, FOR GRANT OF BAIL, IN THE 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 is annexed herewith as **ANNEXURE-P-1.**

2. That the Petitioner/Accused has been in judicial custody for 7 months since 29.10.18.
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 29.10.2018 and since then he has been placed behind the bars.

**FACTS:**

4. That on 02.8.17 Dhan Bhakta sent complaint to Joint Commissioner of Police against Ram Bilas Paswan (Accused in this case) regarding bondage situation, non-payment of wage and Illegal Confinement of many bonded labourers. This complaint was then forwarded to the Labour commissioner, Civil Lines, Delhi on 04.08.17 by the DCP, Special police unit for north east region, PTS, Malviya Nagar, Delhi. The copy of the said complaint is annexed herewith as **ANNEXURE P-2**

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 No. 257/2017 was registered on the same date.

6. However, sister of the Petitioner/Accused [REDACTED] was still in bondage situation and could not be rescued by the police on that date. Further, on 17.08.18 Brother of accused telephoned [REDACTED] and mentioned that his sister [REDACTED] is in his custody and threatened Petitioner/accused to take back FIR and depose falsely before the Court.

7. Then, on 21.08.18, Petitioner/Accused sent a complaint to Addl. Commissioner of Police regarding kidnapping of her sister [REDACTED] [REDACTED] by accused Ram Bilas Paswan. The copy of the said complaint is annexed herewith as **ANNEXURE P-3**

8. Then on 23.08.18, Petitioner/Accused filed Habeas Corpus Petition- W.P (Crl) 2488/2018 before this Hon'ble High Court seeking production of corpus of his sister and safety of his sister in view of recent threats by accused persons.

9. Then on 13.09.18 High Court passed an order for further inquiry and also directed police to indicate action taken with the regard to the complaint regarding threat to [REDACTED] by brother of the accused. On 17.09.18, [REDACTED] (sister of the Petitioner/Accused) was rescued from the residence of Ram Bilas Paswan [REDACTED] On 18.09.18, statement of [REDACTED] (sister of the Petitioner/Accused) was recorded u/s 164 CrPC, where she under threat of the accused persons deposed that she was trafficked by her brother (Petitioner/Accused). On the basis of this statement only Petitioner/Accused was arrested on 29.10.18 and he is in judicial custody since then

10. That the Petitioner/Accused has applied for his first bail in the past too 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 not to grant the bail by observing that all other victims have to give their evidence without any fear and accused absconding or tampering with the evidence. True copy of the said order is annexed herewith as **ANNEXURE P-4**

**GROUNDS:**

- 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 it was only after an expiry of almost 14 months, he has been falsely implicated in the present case.
- C. The sole piece of evidence against him is the statement of [REDACTED] [REDACTED] (sister of Petitioner/Accused) u/s 164 CrPC, which was obtained under threat of the accused persons. She presently stays with the family of the Petitioner/Accused in Assam and can confirm that her statement was obtained under threat of the accused persons namely Ram Bilas paswan and his associates.
- D. That on 16.05.19 Two Prosecution Witnesses PW3, PW4 have been deposed their evidence before the court from that PW3 [REDACTED] is the sister of Petitioner/Accused who in her deposition clearly mentioned that she was brought to Delhi from Assam by the accused Ram Bilas paswan and in her earlier statement u/s 164 Cr.P.C was given due to the pressure and threat of the accused Anita Paswan and Manoj Paswan (B/O Accused Ram Bilas Paswan). Both the PW3 and PW4 in their deposition clearly mentioned that they were brought to Delhi by Ram Bilas Paswan not by the Petitioner/Accused.

- E. That the Petitioner/Accused/Accused himself is a bonded labour in this case along with his wife and sister, who are Prosecution Witness in this case.
- F. That the Petitioner/Accused is a young man of 29 Years survived by two minor children (1 year old son and 3 year old daughter, a wife, a sister, a younger brother who suffers from intellectual impairment and hearing disability and an old aged mother). Accordingly he is the only breadwinner of the family.
- G. That the Petitioner/Accused is innocent and has been falsely implicated in the above case because he was neither named in the FIR. None of the alleged rescued persons during the raid conducted by Ld. SDM Patel Nagar, have stated anything before the Ld.SDM against the Petitioner/Accused/Accused.
- H. 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.
- I. That the supplementary charge sheet has been filed on 11.12.18, thus no custodial interrogation of the Petitioner/Accused is required. Petitioner/Accused is neither required for the purpose of investigation nor any useful purpose would be served by keeping the Petitioner/Accused in custody.

- J. That the Petitioner/Accused is in custody for 7 months since 29.10.18 and the trial is likely to take a long time. 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. Thus, considering the doctrine of parity , the Petitioner/Accused is also seeking his release on bail.
- L. That there is no chance of accused/Petitioner/Accused absconding or fleeing from justice in the event of release on bail.
- 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 don't 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**

It is therefore most respectfully prayed that this Hon'ble court may be pleased to

- a) Enlarge the petitioner on bail, in the case arising out of the FIR No. 0257 of 2017 (Dated 17.08.17), PS: Ranjit Nagar, U/s of 323/344/354/370/374/34 of IPC, r/w sec. 16/17 of Bonded Labour System Abolition Act 1976 and sec. 75/79 of J.J. Act 2015 District West Delhi currently pending in the court of Ms. Nivedita anil Sharma, Special Court under POCSO Act, Tis Hazari Court, Delhi subject to whatever condition which this Hon'ble court deemed fit in the facts and circumstances of this case.
- b) Pass any other or further orders in favour of the petitioner, which this Hon'ble court may deem fit and proper and proper in the interest of the justice and fair play.

Petitioner

[In Judicial Custody]

[Through Perokar]

Through

Date: \_\_\_\_ May, 2019

Place: New Delhi

Gunjan Singh/ Arun Kasi  
Advocates for the Petitioner/Accused