

**Bail Appl. No. 807/20
FIR No. 137/2020
PS : Rajinder Nagar
U/S : 452/392/34 IPC
State Vs. Gopesh**

**10.08.2020
At 12:40 PM**

Fresh application U/s 439 CrPC has been moved on behalf of applicant/ accused Gopesh for grant of bail. It be checked and registered.

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Rishi Kant Mishra, Ld. Counsel for the applicant/
accused.
IO ASI Daryab Singh (No. D-43/C PS Rajinder Nagar) is present.**

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Reply sent in by the IO has been perused. Submissions heard.

Be put up at 4 pm for orders.

A copy of this order be uploaded on the official website of Delhi District Courts.

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/10.08.2020 (K)**

Contd.....

: 1 :

**FIR No. 137/2020
PS : Rajinder Nagar
U/S : 452/392/34 IPC
State Vs. Gopesh**

10.08.2020

At 04:15 PM

**ORDER ON THE APPLICATION U/S 439 CrPC MOVED ON BEHALF OF THE
APPLICANT/ ACCUSED GOPESH FOR GRANT OF BAIL.**

Present : None.

Matter is fixed for orders.

It has been submitted on behalf of the applicant/accused that the charge-sheet has already been filed on 05.08.2020. It has been further submitted that the applicant/ accused is in judicial custody since 07-06-2020 and he has been falsely implicated in the present FIR by the police officials. It has been submitted that the applicant/accused was in custody in a different FIR when he was formally arrested in the present FIR from Jail and false recoveries were planted upon him. Accordingly, it has been prayed that the applicant/accused Gopesh may be granted bail. It is further prayed that detaining the applicant/accused in custody might expose him to Covid-19.

Ld. Addl. PP for the State opposes the grant of bail on the ground that the applicant/accused is a habitual offender. Ld. APP submits that the TIP has been refused by the applicant/ accused during the course of investigation.

This Court has considered the rival submissions. As per present FIR, the applicant/accused is facing allegations of strangling a senior citizen with the help of his accomplices in order to commit robbery and to have

Contd/--

**FIR No. 137/2020
State Vs. Gopesh**

decamped with gold jewellery. The police managed to get recovered a part of the looted gold jewellery at the instance of the co-accused from Muthoot Finance Ltd, Patel Nagar where it was pledged for a sum of Rs. 30,000/- by the co-accused. The applicant/accused refused to undergo TIP in this FIR.

In the facts and circumstances of the present case as well as gravity and seriousness of allegations in the present FIR, this Court is not inclined to enlarge the applicant/accused Gopesh on bail. Hence, the present bail application stands dismissed.

Copy of this order be transmitted/ sent to the Jail Superintendent for necessary information.

Copy of this order be uploaded on the official website immediately.

File be consigned to Record Room, as per rules.

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/10.08.2020 (K)**

**Bail Appl. No. 809/20
FIR No. 211/2020
PS : Sarai Rohilla
U/S : 394/427/506/34 IPC
State Vs. Mohd. Ashaqin**

**10.08.2020
At 12:55 PM**

Fresh application U/s 439 CrPC has been moved on behalf of applicant/ accused Mohd. Ashaqin for grant of bail. It be checked and registered.

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Suraj Prakash, Ld. Counsel for the applicant/ accused Mohd. Ashaqin.
IO SI Manoj Meena (No. D-5894 PS Sarai Rohilla) is present.**

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Reply sent in by the IO has been perused. Submissions heard.

Be put up at 4 pm for orders.

A copy of this order be uploaded on the official website of Delhi District Courts.

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/10.08.2020 (K)**

Contd....

:1 :

**FIR No. 211/2020
PS : Sarai Rohilla
U/S : 394/427/506/34 IPC
State Vs. Mohd. Ashaqin**

**10.08.2020
At 04:10 PM**

**ORDER ON THE APPLICATION U/S 439 CrPC MOVED ON BEHALF OF
APPLICANT/ ACCUSED MOHD. ASHAQIN FOR GRANT OF BAIL.**

Present : None.

Matter is fixed for orders.

Brief facts, as per the present FIR are that the complainant is running a confectionery shop from tenanted premises, which premises belong to the family of applicant/ accused. The complainant alleges that one of the family members of the accused namely Mohd. Sadiqeen used to take away goods/eatables from his shop without paying for the same and if complainant ever used to ask for money for goods/eatables, the said Mohd. Sadiqeen would beat him. On 10.06.2020, Mohd. Sadiqeen went to the shop of the complainant in the evening and asked for some eatables. The complainant refused to give anything to Mohd. Sadiqeen. Mohd. Sadiqeen then forcibly entered the shop of the complainant, destroyed the "Counter" of the complainant and caused damage to the shop. He (Mohd. Sadiqeen) also took away certain articles forcibly. Complainant further alleges that Mohd. Sadiqeen then beat him up and who was then joined by some others (including the applicant/ accused), all of whom again caused damage to the shop of the complainant. Complainant went to police post for reporting the said incident to the police. However, the

Contd

:2 :

FIR No. 211/2020

PS : Sarai Rohilla

accused, said Mohd. Sadiqeen, and others (named in the present FIR) reached at the police post and attacked the police officials and also pelted stones. Complainant got frightened and returned from the police post. The present FIR was registered on the very next day of the incident i.e. on 11.06.2020. Complainant was subjected to medical examination.

Ld. Counsel for the applicant/ accused submits that co-accused Shahrukh, whose role is similar as to that of the applicant/ accused, has already been granted bail by this Court on 05.08.2020,. Ld. Counsel for the applicant/ accused further submits that he seeks bail on behalf of the present applicant/ accused Mohd. Ashaqin on the grounds of parity.

On the other hand, Ld. APP for the state submits that the applicant/ accused is facing serious allegations. It is further submitted that investigation is currently pending. Accordingly, it has been prayed that the applicant/ accused may not be granted bail. IO submits that the applicant/ accused is duly named in the present FIR and is previously involved in criminal cases.

Contd/--

:3 :

FIR No. 211/2020
PS : Sarai Rohilla

This Court has considered the rival submissions. The present FIR was got registered by complainant Akhlaq as one Mohd. Sadiqeen demanded free eatables from the complainant at the relevant time. The complainant refused to accede to the demands of said Mohd. Sadiqeen. Therefore, Mohd. Sadiqeen started beating the complainant, who also caused damage to the shop of complainant and removed/took away the goods/ articles from the shop of the complainant. Subsequently, Mohd. Sadiqeen was also joined by his relatives namely Mohd. Mohseen, Salman, Naved @ Pilla, Mohd. Shahrukh and Mohd Ashaqin (applicant/ accused herein) in causing damage to the shop of the complainant. Complainant then went to the police post to report the said incident. However, all the above named persons then attacked the police post and police officials present there, which is the subject matter of a separate FIR no. 210/2020 PS Sarai Rohilla and which subsequent events are not relevant for the present FIR. From the above facts, as narrated in the present FIR, it is apparent that the only role attributed to the applicant/ accused is that the applicant/accused "caused damage to the shop of complainant". In the FIR, the complainant does not seem to attribute the allegations of forcible removal of goods/ articles from his shop to the present applicant/ accused, as has been attributed against Mohd. Sadiqeen, the prime accused.

In the facts and circumstances mentioned above as well as on the grounds of parity, the applicant/ accused **Mohd. Ashaqin** is admitted to bail on

Contd/--

:4 :

FIR No. 211/2020

PS : Sarai Rohilla

furnishing a bail bond in a sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the Ld. Duty MM/ Ld. MM concerned/Jail Superintendent. It is clarified that none of the above observations shall cast any shadow on the merits of this case. The present bail application stands disposed of accordingly. A copy of this order be sent/transmitted to the Jail Superintendent concerned for necessary information and compliance. File be consigned to record room, as per rules.

A copy of this order be uploaded on the official website of Delhi District Courts.

(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/10.08.2020 (K)

**Bail Appl. No 586/20
FIR No. 46/2020
PS : I.P. Estate
U/S : 376 IPC
State Vs. Nadeem**

10.08.2020

At 12:05 PM

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Manoj Kumar, Ld. Counsel for the applicant/ accused
Nadeem.
Sh. Ajay Bansal, Ld. Counsel for the prosecutrix.
Prosecutrix in person.
IO SI Ashok Kumar (No. D-6645 PS I.P. Estate) is present.**

**The matter has been taken up through Video Conferencing by
means of Webex Meet.**

The present bail application has been taken up in pursuance to
Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued
by Ld. District & Sessions Judge (HQs), Delhi.

Reply sent in by the IO has been perused. Oral submissions
heard. This Court has interacted with the prosecutrix over Cisco Webex.

Be put up at 4 pm for orders.

A copy of this order be uploaded on the official website of Delhi
District Courts.

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/10.08.2020 (K)**

: 1:

**FIR No. 46/2020
PS : I.P. Estate
U/S : 376 IPC
State Vs. Nadeem**

**10.08.2020
At 04:00 PM**

**ORDER ON THE APPLICATION U/S 439 CrPC MOVED ON BEHALF OF
APPLICANT/ ACCUSED NADEEM FOR GRANT OF BAIL**

Present : None.

Matter is fixed for orders.

Brief facts, as per the present FIR, are that the prosecutrix, as per her usual routine, went to the house of her neighbor Nadeem (i.e. applicant/ accused herein) to fetch water at around 6:30 pm on 03.04.2020. Mother of the applicant/ accused handed over a sum of Rs. 100/- to the prosecutrix to buy some milk, which the prosecutrix did bring and handed over the same to the mother of the applicant/ accused. Mother of the applicant/ accused prepared tea and the prosecutrix went upstairs to serve tea to the applicant/ accused. There, the applicant/ accused disrobed the prosecutrix, stifled her by pressing her mouth and committed forcible sexual intercourse with the prosecutrix. The prosecutrix

Contd....

: 2 :

**FIR No. 46/2020
State Vs. Nadeem**

came down stairs and went to her home after taking the vessel with her which she had brought to fetch water. Prosecutrix narrated the incident to her mother and who then made a call at PCR no. 100. Consequently, the present FIR was registered against the applicant/accused.

Today, Ld. Counsel for the applicant/accused has argued that there are several contradictions and inconsistencies in the case of the prosecution. The Ld. Counsel submits that the act and conduct of the prosecutrix, in taking the vessel, which she had brought to fetch water, diligently back with her after the alleged commission of the offence points that the prosecutrix is not telling the truth. Ld. Counsel argues that had the incident actually occurred, as is narrated in the present FIR, the prosecutrix would have rushed to her home without even thinking about the vessel which she had brought to fetch water. Ld. Counsel further submits that the version given by the prosecutrix to the doctor at the time of her MLC is different from the version given in the FIR. Ld. Counsel submits that in the MLC, the prosecutrix has reported to the doctor that it was the applicant/accused who gave her money to buy milk and she later went upstairs to hand over the "change" to applicant/accused after buying milk. Ld. Counsel argues that this contradiction could not be

Contd/--

:3 :

**FIR No. 46/2020
State Vs. Nadeem**

ignored even at this stage. Ld. Counsel further submits that in the MLC, the prosecutrix has reported that she suffered from bleeding after the alleged incident, however, no such thing has been reported in the FIR. Ld. Counsel further submits that the statement made by the mother of the prosecutrix U/s 161 CrPC belies the case of the prosecution. Ld. Counsel submits that there is no mention of "bleeding" in the statement made by the mother of the prosecutrix during the investigation of the present case. Ld. Counsel further submits that these mutually destructive versions betray the falsity in the prosecution case. Ld. Counsel again refers to the MLC of the prosecutrix which reflects that the hymen of the prosecutrix is torn at 6 O'clock. Now, the Ld. Counsel submits that the doctors have not reported that the tear in the hymen is fresh. Ld. Counsel further submits that the prosecutrix is used to sexual intercourse and was having an affair with the applicant/ accused. Ld. Counsel further submits that no sexual intercourse took place on the date as alleged by the prosecutrix and which fact is clearly made out from the MLC as it does not reflect any kind of injury or bruises on the person of the prosecutrix. Ld. Counsel submits that in case of a forcible intercourse, the victim would struggle and the offender would try to control the victim. He argues that in such cases atleast the victim would

Contd/--

:4 :

**FIR No. 46/2020
State Vs. Nadeem**

sustain injuries or bruises, but surprisingly it is not so in the MLC of the prosecutrix. Ld. Counsel further submits that the place of occurrence is an 18 square yards Jhuggi surrounded by similar other Jhuggies. Ld. Counsel argues that at the relevant time, all the residents in the area were huddled down stairs in the small streets to fetch water as per usual practice. Ld. Counsel argues that it is impossible that the applicant/ accused could have committed forcible sexual intercourse in such a small space, particularly in the presence of so many residents of the area on the ground floor. Ld. Counsel submits that the applicant/ accused is the brother-in-law of the prosecutrix and was having an affair with the prosecutrix. Ld. Counsel denies that any intercourse took place at all on the date alleged in the present FIR. Ld. Counsel seeks bail for the applicant/ accused.

Ld. APP for the state has opposed the prayer made by the Ld. Counsel for the applicant/ accused firstly on the ground that although the charge sheet has already been filed, but trial is yet to begun. He further submits that Ld. Counsel for the applicant/ accused has addressed arguments on the merits of this case. Ld. APP argues that this is not the stage to deal with the merits of the case. Ld. APP submits that the applicant/ accused has already influenced the prosecutrix as she

Contd/--

:5 :

**FIR No. 46/2020
State Vs. Nadeem**

submitted on the LDOH that she has no objection to the grant of bail to accused and which factor clearly reveals that accused is trying to sabotage the trial. Ld. APP further submits that the applicant/ accused does not deserve any sympathy in view of gravity and seriousness of allegations. IO submits that charge-sheet has already been filed.

On the last date of hearing, the prosecutrix made a submission over Video Conferencing that she has no objection if the applicant/ accused is granted bail. This Court summoned the prosecutrix to clarify her submission. Today, the prosecutrix has come to the Court in person. The undersigned has interacted with the prosecutrix, who submits that the applicant/ accused committed a 'mistake'. It seems that the prosecutrix wants this court to take a sympathetic view in the present matter.

Be that as it may, the prosecutrix does not seem to resile from the incriminating statements made against the applicant/ accused. In view of the gravity and seriousness of allegations in the present FIR, this Court is not inclined to grant bail to the applicant/ accused at this stage. More Particularly in view of the submission made by Id. Additional PP to the effect that accused is trying to sabotage the trial. The arguments addressed by the Ld. Counsel for the applicant/ accused could not be

Contd/--

:6 :

**FIR No. 46/2020
State Vs. Nadeem**

gone into at this preliminary stage. Moreover, the said arguments do not seem to completely dislodge the prosecution case. The submissions are related to 'defence' of accused and could not be considered at this stage to throw out the prosecution's case and thereby prejudice the trial. The application is hereby dismissed. A copy of this order be sent to the Jail Superintendent concerned for necessary information.

A copy of this order be uploaded on the official website of Delhi District Courts.

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/10.08.2020 (K)**

**Bail Appl. No. 725/20
FIR No. 154/2020
PS : Prasad Nagar
U/S : 380/457/411 IPC
State Vs. Manish Rathore**

**10.08.2020
At 11:05 AM**

Fresh application U/s 439 CrPC has been moved on behalf of applicant/ accused Manish Rathore for grant of bail. It be checked and registered.

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Sunil Tiwari, Ld. Counsel for the applicant/ accused Manish Rathore.**

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Reply sent in by the IO has been perused. Submissions heard.

It is stated by the Ld. Counsel for the applicant/ accused that the recovery has already been effected in the present matter. It has been further submitted by the Ld. Counsel for the applicant/ accused that the applicant/ accused is languishing in judicial custody since 12.07.2020. It has been further submitted that no fruitful purpose would be served by detaining the applicant/ accused in judicial custody. A prayer has been made for grant of bail to the applicant/ accused Manish Rathore.

Ld. APP for the state opposes the prayer for grant of bail to the applicant/ accused.

Contd/--

This court has considered the rival submissions. Applicant/accused does not seem to be previously convicted of any similar offences. Recovery has already been effected. The applicant/accused is no longer required for the purpose of investigation. Trial is most likely to get prolonged on account of unabated spread of COVID-19. Without commenting on the merits of the present case, the applicant/accused **Manish Rathore** is admitted to bail on furnishing a bail bond in a sum of Rs. 20,000/- with one surety in the like amount to the satisfaction of the Ld. Duty MM/ Ld. MM concerned, subject of following conditions :-

- a) the applicant/ accused shall not influence the witnesses;
- b) the applicant/ accused shall not leave Delhi without permission of the concerned Court;
- c) the applicant/ accused shall also provide his as well as his surety's mobile number to the IO/ SHO immediately upon his release and shall mark his attendance in police station through audio or video mode on every Monday between 10 a.m. to 6 p.m.

The bail application stands disposed of accordingly.

A copy of this order be sent/ transmitted to the concerned Jail Superintendent for necessary information and compliance.

File be consigned to record room, as per rules.

Contd/--

--3--

FIR No. 154/2020

PS : Prasad Nagar

A copy of this order be uploaded on the official website of Delhi
District Courts.

(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/10.08.2020 (K)

**Bail Appl. No. 719/20
FIR No. 255/19
PS : Prasad Nagar
U/S : 406/420/120B IPC
State Vs. Vikramjeet Sheriya**

10.08.2020

At 12:20 PM

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Gopal Sharma, Ld. Counsel for the applicant/ accused
Vikramjeet Sheriya.
Sh. Naveen Gupta, Ld. Counsel for the complainant.
IO SI Ranvir Pal (No. D-4793 PS Prasad Nagar) is present.**

**The matter has been taken up through Video Conferencing by
means of Webex Meet.**

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Ld. Counsel for the applicant/ accused submits that he wants to withdraw the present bail application. Accordingly, the present bail application stands dismissed as withdrawn. File be consigned to record room, as per rules.

A copy of this order be uploaded on the official website of Delhi District Courts.

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/10.08.2020 (K)**

**Bail Appl. No. 808/20
FIR No. 206/2020
PS : Prasad Nagar
U/S : 33/58 Delhi Excise Act.
State Vs. Chetan**

10.08.2020

At 12:45 PM

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Abhishek, Ld. Counsel for the applicant/ accused Chetan.
IO HC Naveen (No. D-1973/C PS Prasad Nagar) is present.**

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Reply sent in by the IO has been perused. Submissions heard.

It is stated by the Ld. Counsel for the applicant/ accused that the applicant/ accused has been falsely implicated in the present matter. It has been further submitted that the alleged recovery of illicit liquor has been planted upon the applicant/ accused. It has been further submitted by the Ld. Counsel for the applicant/ accused that the applicant/ accused is languishing in judicial custody since 25.07.2020. It has been further submitted that there is no previous involvement of the applicant/ accused. It has been further submitted that no fruitful purpose would be served by detaining the applicant/ accused in judicial custody. A prayer has been made for grant of bail to the applicant/ accused Chetan.

Contd/--

PS : Prasad Nagar

Ld. APP for the state opposes the prayer for grant of bail to the applicant/ accused.

This Court has considered the rival submissions. The applicant/ accused is in judicial custody since 25.07.2020. The applicant/ accused is no longer required for the purpose of investigation. The trial is most likely to get prolonged on account of unabated spread of COVID-19. Without commenting on the merits of the present case, the applicant/ accused **Chetan** is admitted to bail on furnishing a bail bond in a sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the Ld. Duty MM/ Ld. MM concerned, subject of following conditions :-

- a) the applicant/ accused shall not influence the witnesses;
- b) the applicant/ accused shall not leave Delhi without permission of the concerned Court;
- c) the applicant/ accused shall also provide his as well as his surety's mobile number to the IO/ SHO immediately upon his release and shall mark his attendance in police station through audio or video mode on every Monday between 10 a.m. to 6 p.m.

The bail application stands disposed of accordingly.

A copy of this order be sent/ transmitted to the concerned Jail Superintendent for necessary information and compliance.

File be consigned to record room, as per rules.

A copy of this order be uploaded on the official website of Delhi District Courts.

(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/10.08.2020 (K)

**Bail Application No. 771/20
FIR No. 30/2020
PS : Rajinder Nagar
U/S : 120B/387/506 IPC
State Vs. Sushil Kumar @ Sillu**

**10.08.2020
At 12:25 PM**

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. M.P. Sinha, Ld. Counsel for the applicant/ accused.
IO SI Ali Akram (No. D-5508, PS Rajinder Nagar) is present.**

**The matter has been taken up through Video Conferencing by
means of Webex Meet.**

The present bail application has been taken up in pursuance to
Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued
by Ld. District & Sessions Judge (HQs), Delhi.

Remaining Submissions have been heard.

Be put up at 4 pm for orders.

A copy of this order be uploaded on the official website of Delhi
District Courts.

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/10.08.2020 (K)**

Contd....

: 1 :

FIR No. 30/2020
PS : Rajinder Nagar
U/S : 120B/387/506 IPC
State Vs. Sushil Kumar @ Sillu

10.08.2020
At 04:00 PM

ORDER ON THE APPLICATION U/S 439 CrPC FOR GRANT OF BAIL
MOVED ON BEHALF OF APPLICANT/ ACCUSED SUSHIL KUMAR @ SILLU

Present : None.
Matter is fixed for orders.

Briefly stated, the case of the prosecution is that the complainant and his brother were running a Banquet Hall in partnership with two other persons in Jalandhar, Punjab. One of the other partners, Abhay Arora S/o late Sh. Vijay Arora had separated himself (retired) from the partnership business. At the time of separation of said Abhay Arora from the partnership business, a sum of Rs. 25 Lakhs were handed over to him (Abhay Arora). In November 2019, the said Abhay Arora called the brother of the complainant and raised a demand for more money, failing which bad consequences would befall them. The brother of the complainant told him that he (Abhay Arora) has already been paid his share as per the settlement deed which was executed between the parties and nothing is payable to him now. Subsequently, on 05.01.2020, one telephone call was received by the brother of the complainant on his mobile phone from an unknown number, whereby the callers identified themselves as Naveen Bali and Amit Shukla, who threatened him (brother of the complainant) to pay the dues of Abhay, otherwise consequences shall follow. The said

Contd....

: 2 :

**FIR No. 30/2020
State Vs. Sushil Kumar
@ Sillu**

threatening call was at first ignored by the complainant and his brother, but then the brother of the complainant started receiving more whatsapp calls, whereby he was threatened to be killed. On 23.02.2020, two unknown persons came to the residence of the complainant. Complainant went to his door. Thereafter, one of the said two unknown persons who was holding a gun fired two rounds towards the floor. The complainant tried to shut the door, but the said person fired one round at him (complainant) which round struck the door. The complainant as well as his nephew sustained injuries in their lower limbs due to firing. Thereafter, both the said unknown persons fled from the spot. The complainant claims that he could identify both the said persons. The complainant and his nephew, both injured, were removed to hospital. The complainant, then got registered the present FIR claiming that the said Abhay Arora got the said persons to attack the complainant and his family.

Ld. Counsel for the applicant/ accused submitted, at the very outset, that the name of the applicant/ accused does not figure in the FIR. It has been further argued that the applicant/ accused is totally innocent and has nothing to do with the commission of the offence reported vide the present FIR.

Contd....

: 3 :

**FIR No. 30/2020
State Vs. Sushil Kumar
@ Sillu**

In this background of the arguments, Ld. Counsel took this Court to Column no. 11(C) of the charge-sheet, and argued that the applicant/ accused has been sent up for trial for the commission of offences punishable only U/s 120-B/ 387/506 IPC and not u/s 307 IPC; and has further argued that even the said offences are not made out from the contents of the charge-sheet. Ld. Counsel for the applicant/ accused submitted that the Investigating Agency has not been able to collect any admissible evidence till date. It was submitted that the only incriminatory material against the applicant/ accused are the disclosures made by the applicant/accused himself or the co-accused while in detention. Ld. Counsel further argued that the prosecution has no material to prove that the extortion calls were made from Tihar Jail, because the Investigating Agency could not recover any mobile phones from Tihar Jail. Ld. Counsel further submits that even on the date of firing, the applicant/ accused was in Faridabad and the said fact could be verified from the CCTV footage of the hotel where the applicant/ accused was available at the relevant time. Ld. Counsel further submits that the applicant/ accused did not make any extortion calls at all and

Contd....

: 4 :

**FIR No. 30/2020
State Vs. Sushil Kumar
@ Sillu**

therefore, his continued detention is against the provisions of law. Ld. Counsel further argues that even the MLCs of the alleged victims do not reveal any serious injury and in fact, the victims were not even admitted in the hospital even for a day. It is submitted that the entire case of the prosecution is based on a weak kind of evidence. It is further submitted that the applicant/ accused is not involved in the commission of offences punishable U/s 387/307/120-B IPC and has been implicated in the present matter due to his previous involvements. It is lastly submitted that trial is going to get delayed on account of COVID-19 pandemic. Accordingly, it is prayed that the applicant/ accused may be granted regular bail as investigation qua him is already complete and he is languishing in custody since 08.03.2020.

Ld. APP for the state submits that the applicant/ accused has concealed the fact of dismissal of a previous bail application by the court of Sessions on 08.07.2020. It is submitted that no fresh ground has arisen since the decision of the previous bail application and as such, a prayer has been made for dismissal of the present bail application on this short ground. Ld. APP further submits that the allegations against the applicant/ accused are

Contd....

: 5 :

**FIR No. 30/2020
State Vs. Sushil Kumar
@ Sillu**

grave and serious in nature. Ld. APP further submitted that the applicant/accused is a previous convict and is a part of a 'gang' involved in making extortion calls. It is further submitted that from the mobile phone of applicant/accused, a video clip featuring the incident of shooting was recovered, which further corroborates the involvement of applicant/accused in the commission of present offence.

IO has placed on record a flow chart depicting the entire conspiracy, which is reproduced as below :-

FLOW CHART

Accused **Abhay Arora** sent the phone number and payment details of Rohit Kalra to **Lakhan Verma**

Co-accused **Lakhan Verma** further passed on the information to **Sushil @ Sillu** (a BC of Pul Prahaladpur area)

Co-accused **Sushil @ Sillu** contacted his former jail inmates namely **Amit Shukla** and **Navin Baali** (Gangsters) who are lodged in Tihar Jail

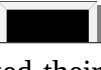
Contd/--

: 6 :

**FIR No. 30/2020
State Vs. Sushil Kumar
@ Sillu**



Amit Shukla & Navin Baali started giving threatening calls to Rohit Kalra demanding the money of Abhay Arora and used to send the recordings of threat calls to Sushil @ Sillu



Amit Shukla and **Navin Baali** asked their associates namely **Nitesh, Ankit & Varun Vashisth** to teach a lesson to Rohit Kalra by opening fire at his residence



Co-accused **Nitesh, Ankit & Varun Vashisth** committed the incident of firing at the resident of Rohit Kalra. The co-accused Varun Vashisth recorded the entire incident in his mobile phone and send the clip to **Amit Shukla** as a proof of the incident.



Co- accused **Amit Shukla** forwarded the said video clip to Sushil @ Sillu who then send the same to Lakhan Verma but Lakhan Verma could not send the said clip to Abhay Arora since the FIR was lodged and on the very next date Abhay Arora and Lakhan Verma were arrested.

Accordingly, the prayer made by the Ld. Counsel for the applicant/accused is opposed on behalf of the prosecution.

This Court has considered the rival contentions and has gone through the charge-sheet filed by the police. Applicant/accused is a previous convict and facing multiple FIRs as per data placed on chargesheet. The availability of the video clip featuring the incident of shooting in the mobile of the

Contd....

: 7 :

**FIR No. 30/2020
State Vs. Sushil Kumar
@ Sillu**

applicant/ accused, which mobile was seized during investigation, hints towards the complicity of the applicant/ accused in the present conspiracy. Police has invoked Section 120-B IPC against the applicant/ accused on the basis of the materials collected during investigation. The allegations against the applicant/ accused are grave and serious in nature. The applicant/accused does not deserve the grant of bail at this stage. Hence, the present bail application stands dismissed. However, it is clarified that none of the above observations shall cast any shadow on the merits of this case.

A copy of this order be given dasti to the Ld. Counsel for the applicant/ accused. Copy be also sent to the Jail Superintendent concerned for necessary information.

A copy of this order be uploaded on the official website of Delhi District Courts.

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/10.08.2020 (K)**