

INTERIM BAIL APPLICATION

**State v. Anup Kumar @ Chipra
FIR No. 513/2016
PS: Burari
U/S: 392,397,323,411 IPC**

28.08.2020

This court is also working as first link of Sh. Anuj Aggarwal, Ld. ASJ-03, Central, THC.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Neeraj Kumar, Learned counsel for the applicant / accused through VC.

This is fourth regular bail application dated 20.08.2020 moved by accused/applicant Anup Kumar @ Chipra.

It is further stated that at present such accused is on interim bail because of certain directions by Hon'ble Supreme Court.

At request, put up for reply, arguments and appropriate orders on date already fixed on 17.10.2020.

**(Naveen Kumar Kashyap)
ASJ-04/Central/28.08.2020**

BAIL APPLICATION

**State v. Dinesh Dhanna
FIR No. 251/2019
PS: Sarai Rohilla
U/S: 341,307,34 IPC & 25,54,59 Arms Act**

28.08.2020

This court is also working as first link of Sh. Anuj Aggarwal, Ld. ASJ-03, Central, THC.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. A.R. Sharma, Learned counsel for the applicant / accused through VC.

Fresh regular bail application is moved by accused Dinesh through counsel dated 19.08.2020.

Issue notice of the same to the IO to file reply.

Put up for reply, arguments and appropriate orders on 03.09.2020.

**(Naveen Kumar Kashyap)
ASJ-04/Central/28.08.2020**

SC: 287/2019
State v. Sanjay Tiwari & Ors.
FIR no: 478/2018
PS: Burari

28.08.2020

This court is also working as first link of Sh. Anuj Aggarwal, Ld. ASJ-03, Central, THC.

File taken up today in terms of order No. 322/RG/DHC/2020 dated 15/08/2020 r/w other orders received from time to time.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular dates of hearing were 28.03.2020, 20.04.2020, 11.06.2020 and 11.08.2020.

On 11.08.2020, matter was adjourned for 28.08.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down.

But in view of latest directions, matter is taken up today for hearing today through VC.

Present: Sh.Pawan Kumar, Ld. Addl. PP for the state through VC.

Sh. Avdhesh Kumar, Ld. Counsel for all the four accused through VC.

Today, case was fixed for further proceedings relating to Section 313 Cr.P.C., but it is stated by learned counsel for all the four accused that none of such accused is present through VC or otherwise today ,as wife of accused Shyam Lal ,who was mother of rest of three accused ,expired yesterday only. As such, some time sought by the accused side itself.

Put up for compliance of previous order afresh for 18.09.2020.

Having regard to the present pandemic condition and death in the family of the accused persons Earliest possible next date of hearing given as there are directions passed by Hon'ble Supreme Court,.

(Naveen Kumar Kashyap)
ASJ-04/Central/28.08.2020

**(1. APPLICATION FOR CANCELLATION OF NBW OF KARNA @ RAJ KARAN
2.APPLICATION FOR EXTENSION OF BAIL)**

**FIR No. :303/2014
PS: Subzi Mandi
State v. Sunil @ Kalu
U/S: 307/34 IPC**

28.08.2020.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC
Mr. Naveen Gaur, Ld. Counsel for Accused through VC.

1. **Vide this common order, the application dated 26.08.2020 filed by accused/applicant Raj Karan for cancellation of his NBW issued by this court and application by such accused for extension of his interim bail dated 26.08.2020 are disposed of.**

2. Reply filed by IO through electronic mode regarding non-execution of NBW issued against such accused.

3. Arguments in detail heard from both sides. Further, I have gone through the record.

4. It is matter of record that such accused that he was granted interim order vide order 18.04.2020 and same was extended later on vide order dated 18.05.2020 and lastly on 16.06.2020 till 15.07.2020. That he filed application for extension of interim bail on 13.07.2020 and same was taken up on 14.07.2020 and was dismissed by this court. But in the meanwhile, on 13.07.2020, Hon'ble High Court passed an order in **WP(C) 3037/2020, titled court on its own motion v. Govt. of NCT of Delhi**, thereby extending all such bail orders till 31.08.2020. As such, it is claimed that when such accused went to Jail Superintendent concerned for surrendering, they did not admit him to jail.

In any case, it is a matter of record that vide order dated 13.08.2020, Hon'ble High Court in fact extended interim bail like that of present accused till 31.08.2020. In fact, now by latest order dated 24.08.2020, all such interim bail are extended till 31.10.2020. Under these circumstances, in view of the directions by Hon'ble High Court and above facts and circumstances, NBW issued against the accused is recalled and notice to his surety is cancelled. Further, present accused is admitted to interim bail on the same terms and conditions on which he was admitted

earlier, till 31.10.2020. **With these observations, present two applications are disposed of as allowed.**

5. Learned counsel for the accused is at liberty to collect the order dasti or through electronic mode. Copy of this order be sent to Jail Superintendent concerned through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
28.08.2020

INTERIM BAIL APPLICATION

**State v. Vipin Sharma
(INTERIM BAIL OF SURESH KUMAR NAYAK)
FIR No. 213/2018
PS: Lahori Gate
U/S: 395, 412,120 B,411 IPC**

28.08.2020

This court is also working as first link of Sh. Anuj Aggarwal, Ld. ASJ-03, Central, THC.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Ms. Swati Verma, Learned counsel for the applicant / accused through VC.

1. *Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020, 18.05.2020 and 20.06.2020 from Hon'ble High Court as a result of various meetings of Delhi State Legal Services Authority, present application is taken up.*

2. Vide this order, application for interim bail dated 29.07.2020, filed by accused/applicant Suresh Kumar Nayak through counsel is disposed of.

3. Reply already filed through electronic mode. Copy of the same is also supplied to counsel for accused through electronic mode.

4. Arguments in detail already heard.

5. In nutshell, it is stated in the present application that accused is a young man of 26 years old and is permanent resident of district Nagor, Rajasthan. That he was working as Cab Driver and is the only bread earner of the family. It is further

stated that his regular bail application is already dismissed vide order dated 27.07.2020. That he is in JC for last about 1 ½ half years . That this case is at the stage of PE. That co-accused Vipin and Hari Ram were given interim bail by this court. That there are three minor children of present accused aged about 9, 7 and 3 years. That his wife is a house-wife. That due to corona pandemic, it is becoming very difficult for the family to sustain itself. That the youngest child is to be got admitted in school. That father of the accused is 80 years old and suffering from old aged ailments and is bed ridden. That applicant want to arrange financial help for his family. Further, it is stated that he is falsely implicated in the present case. As such, it is prayed that he be granted interim bail for sixty days.

6. A detailed reply is filed dated 22.08.2020. Based on that it is argued by Ld. Addl. PP for the state that offence is very serious in nature and a nuisance to public at large and it was planned secretly against the victim in which a sum of Rs. 35 lacs was looted from the victim. Presence of the accused is captured near the place of occurrence as well as his mobile phone location is found near the place of occurrence. That later on he was identified by the complainant during investigation. It is further submitted on behalf of the stat that even regular bail application of the present accused is recently dismissed. As such, present interim bail application is strongly opposed.

7. The type of cases/offences with which accused is charged are discussed by **Hon'ble High Court in its meeting dated 18.04.2020**. For the present type of offences, a relaxed criteria for interim bail is recommended by Hon'ble High Court on such date but it was further subject to such accused is suffering from HIV, cancer, chronic kidney dysfunction (requiring dialysis) , Hepatitis B or C, Ashtma and T.B.

It is not the case of accused that he himself is suffering from any of the disease. As such, the case of the present accused does not fall under the relaxed criteria given by the Hon'ble High Court.

8. Even otherwise on merit, it is stated that his family members are in financial difficulty and require his presence for financial and social support, but this

court do not find the ground on merit stated by the accused sufficient to admit him to interim bail. Further, it is not the case that he is or anybody in his barrack is suffering from corona virus. Further, offence is very serious in nature, in which punishment is upto imprisonment for life. Thus, having regard to the nature of offence, stage of trial and nature of material against such accused, this court is not inclined to grant interim bail to the present accused. **With these observations, present interim bail application is dismissed.**

9. Copy of this order be sent to counsel for accused through electronic mode. Copy of this order be also sent to Jail Superintendent concerned through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04/Central/28.08.2020

INTERIM BAIL APPLICATION

**State v.Akash
FIR No.106/2012
PS:Kamla Market
U/s: 302, 307, 186, 353, 333, 109 IPC**

28.08.2020

This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Sohan Goyal, learned counsel for applicant through VC.

Additional reply filed by the IO today in which he has stated that Safdarjung hospital has not given report on the medical documents submitted.

As such, issue fresh notice to IO to send fresh report in terms of previous order.

Put up for further reply, arguments and appropriate order for

03/09/2020.

**(Naveen Kumar Kashyap)
ASJ-04/Central/28.08.2020**

SC No.: 28692/2016
FIR No.: 348/2015
PS Nabi Karim
State vs Lokesh & Ors

File taken up today in terms of order No. 322/RG/DHC/2020 dated 15/08/2020 r/w other orderS received from time to time.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 18/04/2020.

On 18/04/2020, matter was adjourned for 10/06/2020, 10/08/2020, 18/08/2020 & 28/08/2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down.

But in view of latest directions, matter is taken up today for hearing today through VC.

28.08.2020

This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.

None for the accused.

Today the case was fixed for final judgment / clarification. Certain clarification is required ,inter alia, regarding furnishing bail bond u/s 437(A) Cr.PC. But, it is stated by the Reader of this court that Ld counsel for accused Mr. R.C. Chopra stated that his system is not working today. As such, he is unable to join VC and requested for a short date for joining through VC.

As such, at his request, put up for 31/08/2020.

Further, put up for clarification with regard efforts made by the IO / SHO concerned to apprehend third accused mentioned in the chargesheet by the prosecution in the last five years. As such, issue notice to IO SI Virender Kumar, PIS No.: 28820237 having mobile No. 9540009192 / SHO concerned for the next date of hearing.

(Naveen Kumar Kashyap)
ASJ-04/Central/28.08.2020

Application for Extension of Interim Bail

FIR No. :292/2014
PS: Rajender Nagar
STATE v. Pooja

U/S: 302, 392, 397, 411, 120B , 34 IPC

28.08.2020.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. S.N. Shukla, learned counsel for the applicant / accused through VC.

1. Vide this order, application dated 27.08.2020 for extension of interim bail filed by accused through counsel is disposed off.

2. It is stated that earlier she was granted interim bail vide order dated 11/05/2020 by the bail duty sessions judge Ms. Neelofar Abida Praveen, learned ASJ-Central and which was extended vide order dated 22/06/2020 by this court till 15/07/2020. Vide order dated 17/07/2020 this court disposed of her application for further extension in view of the order dated 13/07/2020 passed by the Hon'ble High Court. Now, it is prayed that there is another order dated 24.08.2020 passed by Hon'ble High Court, and in view of the same, interim bail of the accused be extended further.

3. Arguments heard from both the sides and I have gone through the record including earlier bail orders passed in this case about this accused.

4. At this stage it may be noted that Full bench of Hon'ble High Court of Delhi in its latest order dated 24/08/2020 in W.P.(C) 3037/2020 titled as "Court on its own motion v. Govt. of NCT of Delhi & Anr., further extend the implementation of their directions contained in earlier order dated 25th March, 2020, 15th May, 2020 and 15th June and 13th July 2020, till 31st October, 2020 with the same terms and conditions.

5. In view of such order and clarification dated 24.08.2020 by Hon'ble High Court, there is no need to pass any specific order in the present application. Same is disposed off accordingly.

6. Both sides are at liberty to collect the order through electronic mode. **A copy of this order be sent to Jail Superintendent concerned. Further a copy of this order be given to IO through electronic mode.**

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
28.08.2020

Application for Extension of Interim Bail

FIR No. :20/2015
PS:Kamla Market
STATE v Adil @ Sehzada
U/S: 302, 396, 412, 34 IPC

28.08.2020.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Asghar Khan, learned counsel for the applicant / accused through VC.

1. Vide this order, application dated 27.08.2020 for extension of interim bail filed by accused through counsel is disposed off.

2. It is stated that earlier he was granted interim bail vide order dated 28/07/2020 by this court in view of the order dated 13/07/2020 passed by the Hon'ble High Court. Now, it is prayed that there is another order dated 24.08.2020 passed by Hon'ble High Court, and in view of the same, interim bail of the accused be extended further.

3. Arguments heard from both the sides and I have gone through the record including earlier bail orders passed in this case about this accused.

4. At this stage it may be noted that Full bench of Hon'ble High Court of Delhi in its latest order dated 24/08/2020 in W.P.(C) 3037/2020 titled as "Court on its own motion v. Govt. of NCT of Delhi & Anr., further extend the implementation of their directions contained in earlier order dated 25th March, 2020, 15th May, 2020 and 15th June and 13th July 2020, till 31st October, 2020 with the same terms and conditions.

5. In view of such order and clarification dated 24.08.2020 by Hon'ble High Court, there is no need to pass any specific order in the present application. Same is disposed off accordingly.

6. Both sides are at liberty to collect the order through electronic mode. **A copy of this order be sent to Jail Superintendent concerned. Further a copy of this order be given to IO through electronic mode.**

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
28.08.2020

INTERIM BAIL APPLICATION

State Vs. Anis @ Dupatewala
FIR No.: 20/2015
PS: Kamla Market
U/S: 302, 396, 397, 412, 120B, 34 IPC

28.08.2020.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. J.S.Mishra, learned counsel for accused through VC.

1. *Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020 and 18.05.2020 from Hon'ble High Court as a result of various meetings of Delhi State Legal Services Authority, present application is taken up.*
2. Vide this order dated 10/08/2020 filed by accused / applicant Anis @ Dupatewala seeking interim bail is disposed off.
3. Reply already filed by the IO through electronic mode. Further report regarding medical status of accused is also filed by the Jail Superintendent concerned.
4. Arguments heard from both the sides through electronic mode.
5. It is argued on behalf of the accused that he is in JC for last more than 05 years; that there is spread of corona pandemic; that all material witnesses have already been examined; that he is suffering from high blood pressure and other ailments; he was granted interim bail earlier and never misused the same; As such, it is prayed that he be released on interim bail for 45 days.
6. Reply filed by jail superintendent concerned as well as IO.
7. As per report of IO, ATM card of the deceased was recovered from the possession of the present accused; that he is found involved in four other criminal matters; that his interim bail application is already dismissed in June, 2020. It is further stated that offence is very serious in nature. As such present application is strongly opposed.

8. Further, as per report of Jail Superintendent concerned, such accused is suffering from high blood pressure, skin disease, fracture in leg, tooth ache but he is given requisite treatment for the same.

9. He does not fall under the relaxed criteria dated 18/05/2020 of the Hon'ble High Court, as there is other criminal involvement of present accused. As such, he cannot be given benefit of the same.

10. Further on merit, it is argued by the State that offence is serious in nature under section 302 IPC, further his interim bail application was rejected on 01/06/2020 and there is no material change in circumstances and the ground raised in the present interim bail application. Further interim bail application of both of the co-accused are also dismissed during lockdown vide reasoned order. With these observations, present interim bail application is dismissed.

11. Both sides are at liberty to collect the order through electronic mode. ***Further a copy of this order be sent to the IO/SHO concerned by electronic mode. Further a copy of this order be also sent to concerned Superintendent of Jail. Copy of order be uploaded on the website.***

**(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/28.08.2020**