

State Vs. Vikas @ Sanju & anr.

FIR No: 98/18

Under Section: 307/302/201/120B/34 IPC

PS: Sadar Bazar

01.07.2020

Through video conferencing

Present: Sh. Alok Saxena, Ld. APP for the State.

Sh. Anurag Jain, Ld. Counsel for the applicant.

Accused is seeking interim bail on the ground that his case is covered vide minutes dated 18.05.2020 of High Powered Committee.

Nominal roll of the accused has been received from concerned Jail Superintendent. Ld. Counsel for accused has confirmed the receipt of copy of same through electronic mode.

Heard.

During course of arguments, Ld. Counsel for accused has vehemently argued that even if the case of accused is not covered vide minutes dated 18.05.2020, then also, this court can consider granting interim bail to accused. It is argued that the father of accused is a Tuberculosis patient and presence of accused is required to take care of former and to financially support the family who is suffering in his absence. It is further argued that accused is already on bail in case FIR No. 390/2017, PS Hari Nagar and, therefore, the accused may be granted interim bail in facts and circumstances of present case.

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Ld. APP for State has forcefully opposed that bail application of accused.

After hearing rival contentions, I am of the view that accused does not deserve to be granted interim bail in the instant case as a careful perusal of 'nominal roll' filed today reveals that accused is in custody in the present case for a period of less than 2 years. Further, the concerned Jail Superintendent has also reported that though the conduct of accused in last one year has remained satisfactory, however, his overall conduct is unsatisfactory as he has been awarded multiple punishment.

Furthermore, it has been reported that accused is convicted in case FIR No. 77/2013, PS Sadar Bazar vide order dated 06.08.2014 of concerned court. Furthermore, the involvement of accused in another case FIR No. 390/2017, PS Hari Nagar has also been reported. Therefore, it is evident that accused has miserably failed to fulfill the criteria as laid down by High Powered Committee, in view of his previous involvement, unsatisfactory conduct at jail and being in custody for a period lessor than 2 years. The factum of accused being on bail (in the other matter) is hardly of any relevance while deciding the present application.

The reasons cited by accused (regarding illness of his father and financial hardship to family) for grant of interim bail does not disclose good grounds to be entertained as the very incarceration of an accused not only curtails his 'personal liberty' but also certain other rights like 'right to maintain

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and take care of one's family'. Even otherwise, the accused is in custody since 06.08.2018, therefore, it is evident that his family members are maintaining themselves at their own (since long) even in his absence.

In the matter of **Ather Parvez Vs. State (Crl. Ref. No. 01/2015 Date of decision 26.02.2016)**, it has been observed by Hon'ble Delhi High Court that:

"...The trial of the appellate courts after conviction are entitled to grant "interim bail" to the accused/convict when exceptional and extra-ordinary circumstances would justify this indulgence. The power is to be sparingly used, when intolerable grief and suffering in the given facts may justify temporary release..."

It is a settled principle of law that interim bail can only be granted in exceptional circumstances. In the instant application, there are no exceptional circumstances to release the applicant/accused on interim bail. The accused is facing trial for commission of a very serious offence.

In view of the above, I am not inclined to release the applicant/accused Vikas @ Sanju on interim bail. His interim bail application is accordingly dismissed.

Copy of this order be sent to IO as well as Jail Superintendent for information.

Application is accordingly disposed of.

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(Anuj Agrawal)
ASJ-03, Central District
Tis Hazari Courts, Delhi
01.07.2020

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State Vs. Ashish Mittal @ Rahul Mittal

FIR No: 140/2018

Under Section: 307/34 IPC

PS: Sarai Rohilla

01.07.2020

Through video conferencing

This is a fresh application for early hearing of the pending regular bail application of applicant.

Present: Sh. Alok Saxena, Ld. APP for the State.

Sh. Prashant Yadav, Ld. Counsel for the applicant.

Heard. Considered.

In the facts and circumstances of the case, the matter stands preponed for today.

I can recall that the interim bail of accused was filed by another counsel, which was dismissed vide order dated 25.06.2020. Ld. Counsel for applicant submits that he is still the counsel for accused and undertakes to file vakalatnama by next date of hearing. Directed accordingly.

Part arguments on bail heard.

Ld. Counsel has requested for adjourning the matter for another date for addressing remaining arguments. **Though I am not inclined to adjourn the matter any further, however, in the interest of justice, put up for remaining arguments on regular bail application on 02.07.2020.**

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Crl. Rev. No. 181/19

Dur Vijay Yadav Vs. State

01.07.2020

Through video conferencing

Fresh revision petition U/s 397 of Cr. P.C. filed. It be checked and registered.

Present: Sh. Arvind Kumar Shukla, Ld. Counsel for revisionist.

Under challenge is order dated 09.06.2020 passed by Ld. Duty MM whereby application of revisionist for release of vehicle bearing registration no. DL8C-AK-4506 on superdari was dismissed.

Issue notice of the revision petition to the State through concerned Ld. APP through electronic mode. State shall also file its detailed reply (with advance copy to other side) through IO/SHO inter-alia mentioning the whether the vehicle in question was purchased from proceeds of crime. SHO/IO shall also join the proceedings through VC after coordination with concerned Naib Court/court staff of this court.

Put up for hearing on 06.07.2020.

Copy of this order be sent to concerned SHO/IO for compliance.

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(Anuj Agrawal)

ASJ-03, Central District
Tis Hazari Courts, Delhi
01.07.2020