

**IN THE COURT OF SH. SUNIL BENIWAL  
ASJ/SPECIAL JUDGE (NDPS), WEST  
TIS HAZARI COURTS, DELHI**

**FIR No. 609/2020  
PS: Khyala  
U/s 307/34 IPC & 27/54/59 Arms Act  
State Vs. Shahbuddin**

**24.07.2020**

**Present:** Mr. Parvesh Ranga, Ld. Addl. PP for the State.

Reply not filed by IO. IO is directed to file reply including the fact of previous involvement of accused, returnable for **27.07.2020**.

Mr. Vinay Kumar Sharma, counsel for accused is also informed telephonically.

**(SUNIL BENIWAL)  
ASJ/Special Judge (NDPS)  
West District, THC  
Delhi/24.07.2020**

**FIR No. 942/97**  
**PS Rajouri Garden**  
**U/s 307/302/34 IPC**  
**State Vs. Vijay Rai**

22.07.2020

**The undersigned is performing duty pursuant to the computer generated circular/duty roster dated 15.07.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.**

Present : Sh.M.A.Khan, ld. Addl. PP for the State through VC.  
Sh.Harsh Hardy, Ld. Counsel for the applicant/accused through VC.

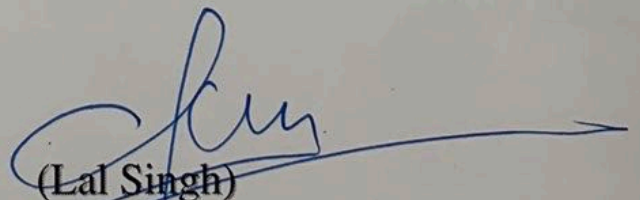
This application has been filed on behalf of the applicant/accused for grant of interim bail in terms of HPC guidelines dt. 07.04.2020 and 18.05.2020.

At the very outset, ld. Counsel for the accused submits that the voice of undersigned was not audible and clear. Therefore, ld. Counsel for the applicant/accused is also heard through mobile phone on the mobile phone of Reader in speaker mode.

Issue notice to the concerned Jail Supdt. to file the report regarding the status of the case, returnable for 24.07.2020.

Put up on 24.07.2020 for consideration.

24/7/2020  
Done for applicant since missing  
Jail Supdt. notice to Concerned  
Jail Supdt. to file report regarding  
status and file on 29/7/2020

  
(Lal Singh)  
ASJ-05(W)/THC/Delhi  
22.07.2020(P)

ASJ  
24/7/2020



(A)

BEFORE THE HON'BLE DISTRICT AND SESSION JUDGE,  
DISTRICT WEST, TIS HAZARI COURTS, DELHI

BAIL APPLICATION NO. \_\_\_\_\_/2020

IN THE MATTER OF:-

STATE                      VERSUS

VINOD & ORS.

S/O SH. CHIRANJEE LAL  
R/O H.NO. B/41, PREM NAGAR,  
GALI NO. 1, KIRARI SULEMAN  
NAGAR, DELHI-110086

FIR NO. 340/2020  
U/S 394/397/411/34 IPC  
P.S. NANGLOI  
DATE OF ARREST : 13.04.2020

W  
1496

24/1/2020  
Fresh application received  
name for applicant  
not filed

**INDEX**

Some notice to  
D.O to file report  
= 29/1/2020

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(A) 1/11/2020

DELHI  
DATED: 23/7/2020

APPLICANT  
(IN JC)

THROUGH Satyendra Kumar Adv.  
SATYENDRA KUMAR & ANIL KUMAR  
ADVOCATES  
CH. NO. T-2, TEHSIL LANE,  
TIS HAZARI COURTS, DELHI-110054  
MOB. NO. 8448354554, 9953583646  
E-MAIL: 9818912320kumar@gmail.com



(A) NO  
✓

IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),  
TIS HAZARI COURTS : DELHI

FIR No.606/20  
PS :Punjabi Bagh  
State Vs. Neeraj @ Sonu  
U/s. 366/376/506 IPC

1317

20.07.2020

The undersigned is performing duty pursuant to the computer generated circular/duty roaster dated 15.07.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.

This is an application U/s. 439 Cr.P.C. for grant of bail moved on behalf of accused/applicant Neeraj @ Sonu.

Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.  
Sh. Mahkar Singh, Ld. Counsel for applicant/accused.

Despite order neither IO nor complainant/victim present.

In these circumstances, let the notice be issued to IO and complainant/victim to be served through SHO for next date.

Put up for appearance of IO and complainant/victim and hearing on the bail application on 24.07.2020.

and  
24/7

(POORAN CHAND)  
ASJ-02/West/Delhi  
20.07.2020

24/7/2020  
W Addl PP for State  
Despite repeated calls name has appeared  
since morning.  
In interest of justice put up -  
28/7/20

(SUNIL BENSALY)  
28/7/20

(A)

Bail Application No.1464  
FIR No.340/20  
PS: Nangloi  
State Vs. Himanshu @ Mannu  
U/s 394/397/411/34 IPC

22.07.2020

Undersigned is performing duty pursuant to circular/duty roster dated 15.07.2020 of Ld. District & Sessions Judge, West, THC, Delhi.

Present : Sh. M.A. Khan Ld. Addl. PP for the State.  
Sh. Gaurav Dixit, Ld. Proxy counsel for counsel for applicant/accused.  
IO SI Amit in person.

This application has been filed on behalf of applicant/accused for grant of interim bail for 45 days.

IO has filed reply to the above application.

Proxy counsel for the applicant/accused requested to adjourn the matter for 24.07.2020 as today main counsel is stated to be not available.

Put up on 24.07.2020 for consideration.

(Lal Singh)  
ASJ-05(W)/THC/Delhi  
22.07.2020

24/7/2020  
Pr Ld Addl PP for state  
Pr Sh. Deetara Ld Counsel  
for applicant request for adj.  
as he is not feeling well today  
Put up on 25/7/2020 as per request

(SOPIL (SOPILWAL))  
24/7/2020

15/7  
24/7



**IN THE COURT OF SH. SUNIL BENIWAL  
ASJ/SPECIAL JUDGE (NDPS), WEST  
TIS HAZARI COURTS, DELHI**

**FIR No. 640/20  
PS: Punjabi Bagh  
U/s 356/379/411/385/507/120B/34 IPC  
State Vs. Bhim Soni**

**24.07.2020**

**Present:** Mr. Parvesh Ranga, Ld. Addl. PP for the State.  
Mr. Ayub Khan, counsel for the applicant.

Counsel has submitted that before addressing arguments, he would like the court to call the IO alongwith online complaint dated 14.06.2020 as he would be in a better position to argue before the court in the presence of the said complaint.

Issue notice to the IO to appear in person alongwith the said online complaint dated 14.06.2020, returnable for **29.07.2020**. Till then, on request of counsel, no coercive action be taken against the applicant.

Copy of this order be sent to counsel for applicant and to the concerned SHO on their e-mail IDs and through proper channel.

**(SUNIL BENIWAL)  
ASJ/Special Judge (NDPS)  
West District, THC  
Delhi/24.07.2020**



**24.07.2020**

Arguments on the bail application heard by way of videoconferencing connected by staff of the court.

Present: Shri Parvesh Kumar Ranga, Learned Addl. Public Prosecutor for State.  
Shri Harish Kumar, Ld. counsel for applicant/accused.

By this order, I shall decide the present application requesting for grant of interim bail to applicant/accused Hardeep Singh. Facts as stated in the bail application are as follows :

It is submitted that grand parents of the applicant are very old and can not look-after themselves. It is submitted that grand mother of applicant is very ill and is under treatment. It is requested that applicant may be released on interim bail for a period of one month and he shall abide by all the terms & conditions.

Learned Addl. Public Prosecutor has opposed the bail application in view of reply filed by the IO.

It is submitted that huge quantity of contraband was recovered from the possession of applicant. It is submitted that applicant has not enclosed the medical documents of her grand mother which may be verified. The bail application is opposed considering the gravity of offence.

I have heard arguments from both the sides.

A huge quantity of dodaposht was recovered from the applicant. Even the evidence has not been recorded till date. There is a strong possibility that if released on interim bail, applicant may commit same offences or he may also jump

bail and run away in order to avoid the trial. Therefore, keeping in view the quantity recovered and the offence with which the accused is charged of, the present application is rejected as having no merits.

The application stands disposed of accordingly.

One copy of this order be sent to counsel for applicant, IO/SHO, L.d. Additional Public Prosecutor and the Jail Superintendent on their email IDs if provided and found to be correct, through proper channels.

(SUNIL BENIWAL)  
ASJ/Spl. Judge (NDPS)  
West District/THC/Delhi  
24.07.2020



FIR No. 78/20  
PS : Crime Branch  
U/s 22/25 NDPS Act  
State Vs. Chander Shekhar

21.07.2020

Present: None.

Supplementary Reply to anticipatory bail application received.

Due to some technical reason, videoconferencing through WebX Meeting App is not possible today. Ahlmad of this court has contacted Ld. counsel for applicant Shri Nitin Joshi on telephone and informed him about the adjournment of the matter.

At request of Ld. counsel and as per directions of Ld. Presiding Officer through videoconferencing, matter is adjourned for **24.07.2020**.

(Reader)  
21.07.2020

24/7/2020 for the next bail application for state  
Pr. ho. Counsel for applicant on webx meeting app  
put up on 28/7/2020 for further adjournment

(Sunder Reddy Wani)  
24/7/20

IN THE COURT OF SH. SUNIL KUMAR  
A SPECIAL JUDGE (NDPS), WEST  
DISTRICT COURTS, DELHI

FIR No. 78/20  
PS : Crime Branch  
U/s 22/25 NDPS Act  
State Vs. Pawan Arora

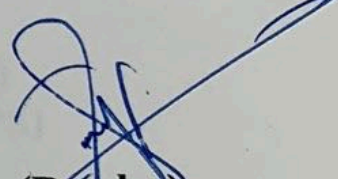
21.07.2020

Present: None.

Supplementary Reply to anticipatory bail application received.

Due to some technical reason, videoconferencing through WebX Meeting App is not possible today. Ahlmad of this court has contacted Ld. counsel for applicant Shri Nitin Joshi on telephone and informed him about the adjournment of the matter.

At request of Ld. counsel and as per directions of Ld. Presiding Officer through videoconferencing, matter is adjourned for **24.07.2020**.

  
(Reader)  
21.07.2020

24/7/2020  
At Ld. A. J. P. P. for State  
Ld. Counsel for applicant on webx meeting App  
Put up on 28/7/2020 for further arguments

(SUNIL KUMAR)  
A. J. P. P.



FIR No. 173/13  
PS : Paschim Vihar  
U/s 394/395/307 IPC  
State Vs. Vikas @ Vicky @ Ganja

18.07.2020

Present: None.

Reply to bail application not received.

Ahlmad of this court has contacted Ld. counsel for applicant Shri Kapil Yadav on telephone and informed him about not filing of report.

Issue fresh court notice to IO to file report positively on NDOH.

At request of Ld. counsel and as per directions of Ld. Presiding Officer through videoconferencing, matter is adjourned for 24.07.2020.

(Reader)

18.07.2020

24/7/2020

for Ld. A20111 of for rules

At request of Ld. Counsel

Put up on 30/7/2020 on telephone

(SONEL RENEWAL)

24/7/2020

FIR No. 173/13  
PS : Paschim Vihar  
U/s 394/395/307 IPC  
State Vs. Vikas @ Vicky @ Ganja

21.07.2020

Present: None.

Reply to bail application received.

Ahlmad of this court has contacted Ld. counsel for applicant Shri Kapil Yadav on telephone and Ld. counsel seeks adjournment.

At request of Ld. counsel and as per directions of Ld. Presiding Officer through videoconferencing, matter is adjourned for 24.07.2020.

(Reader)

21.07.2020

24/7/2020

Pr ho. Addl. P. for Mr  
to Counsel in connected on  
telephone. to Counsel requests  
for adj. for up to 30/7/2020 on  
request of Counsel Mr. Kapil

(SUNIL KUMAR)  
24/7/2020



FIR No. 710/20  
PS : Nangloi  
U/s 302/34 IPC & 25/27 Arms Act  
State Vs. Razzak

24.07.2020

Present: Shri Parvesh Kumar Ranga, Learned Addl. Public Prosecutor for State.  
IO Inspector Vipin Kumar in person.

None is present for applicant despite repeated calls. Therefore, re-list the matter for arguments on **28.07.2020**.

(SUNIL BENIWAL)  
ASJ/Spl. Judge (NDPS)  
West District/THC/Delhi  
24.07.2020



FIR No. 124/20  
PS : Moti Nagar  
U/s 376 IPC  
State Vs. Sandeep @ Chhotu

**24.07.2020**

Present: Shri Parvesh Kumar Ranga, Learned Addl. Public Prosecutor for State.  
Shri V.K Sharma, L.d. counsel for applicant/accused.

One lady who states herself to the prosecutrix of this case is also present but neither IO is present to identify the prosecutrix nor the lady has brought any ID from which her identification can be established. Therefore, application can not be heard in the absence of identification of prosecutrix.

Meanwhile, issue court notice to IO to appear in person to identify the prosecutrix on **27.07.2020** and prosecutrix is also directed to bring her Government issued identification card on NDOH.

(SUNIL BENIWAL)  
ASJ/Spl. Judge (NDPS)  
West District/THC/Delhi  
24.07.2020



IN THE COURT OF SH. SUNIL BENIWAL  
ASJ/SPECIAL JUDGE (NDPS), WEST  
TIS HAZARI COURTS, DELHI

FIR No. 556/20  
PS: Rajouri Garden  
U/s 356/379/411/120B IPC & 25/27 Arms Act  
State Vs. Pintu Kumar

24.07.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.

Mr. Ashwani Tripathi, counsel for applicant is telephonically contacted.

Due to some technical issue, video conferencing is not possible today.

On request of counsel, put up for arguments on ~~27.07.2020~~.

(SUNIL BENIWAL)  
ASJ/Special Judge (NDPS)  
West District, THC  
Delhi/24.07.2020



**IN THE COURT OF SH. SUNIL BENIWAL  
ASJ/SPECIAL JUDGE (NDPS), WEST  
TIS HAZARI COURTS, DELHI**

**FIR No. 229/20  
PS: Patel Nagar  
U/s 498A/406/34 IPC  
State Vs. Monika Kumari & Ors.**

**24.07.2020**

**Present:** Mr. Parvesh Ranga, Ld. Addl. PP for the State.  
Mr. Ganesh Chand Sharma, counsel for applicant is telephonically  
contacted.

Due to some technical issue, video conferencing is not possible today.  
On request of counsel, put up for arguments on **25.07.2020**.

**(SUNIL BENIWAL)  
ASJ/Special Judge (NDPS)  
West District, THC  
Delhi/24.07.2020**



**IN THE COURT OF SH. SUNIL BENIWAL  
ASJ/SPECIAL JUDGE (NDPS), WEST  
TIS HAZARI COURTS, DELHI**

**FIR No. 130/20  
PS: Punjabi Bagh  
U/s 307/34 IPC & 25/27 Arms Act  
State Vs. Sonu @ Amar**

**24.07.2020**

**Present:** Mr. Parvesh Ranga, L.d. Addl. PP for the State.

Ms. Dhaneshwari, counsel for applicant is telephonically contacted.

Due to some technical issue, video conferencing is not possible today.

On request of counsel, put up for arguments on **27.07.2020**.

**(SUNIL BENIWAL)  
ASJ/Special Judge (NDPS)  
West District, THC  
Delhi/24.07.2020**



**24.07.2020**

Arguments heard in open court.

Present: Shri Parvesh Kumar Ranga, Learned Addl. Public Prosecutor for State.  
Shri Suresh Bharti, Ld. counsel for applicant/accused.

By this order, I shall decide the present application requesting for bail filed on behalf of applicant Shravan Kumar. Facts as stated in the bail application are as follows :

It is submitted that applicant is in JC since 23.06.2020. That applicant is innocent and he has nothing to do with the incident and has been implicated falsely in the present case. That applicant is a poor person and was doing a job of driver since December, 2019 and used to earn Rs. 20,000/- per month from Pawan Arora and Shekhar Thakur who are the partners of M/s Rudra Thakur Enterprises who are wholesalers and supplying the medicines in Delhi and other states of India. That applicant is illiterate and is not aware about the legal/illegal medicines and his job was only to supply to supply the packets of medicines to the transport office. That applicant is neither owner of property/Jhuggi No. TH-164, Kamla Nehru Camp, Kirti Nagar, Delhi nor he handed over keys of the said premises to the officials of Crime Branch. That the godown/store of M/s Rudra Thakur Enterprises is situated at A-69, DSIDC Packaging Complex, Kirti Nagar, Delhi which is less than 50-60 meters from the premises of TH-164, Kamla Nehru Camp, Kirti Nagar, Delhi, where the raid was conducted but deliberately to save the real culprits, the said premises was shown at TH-164. That the applicant is sole bread earner of his family and is a father of five



years old male child. That the applicant will not tamper with the witnesses and will join the investigation as & when required by police. That applicant has deep roots in the society and has clean antecedents and no previous criminal case is pending against him. That applicant is not previously convicted.

Learned Addl. Public Prosecutor has opposed the bail application in view of reply filed by the IO.

It is submitted that on the basis of secret information, a raid was conducted in the *Jhuggis* of Kamla Nehru Camp, Kirti Nagar, Delhi, on the intervening night 17/18.06.2020 and at the instance of secret informer, one Shraavan Kumar was apprehended. That huge consignment of Psychotropic Substance Tramadol and Nitrazepam based tablets/capsules and Codeine based syrup was recovered from the go down of Shraavan Kumar where the said medicines were kept illegally and unauthorized by him. That during raid, Shraavan Kumar revealed that the medicines stored in the godown belonged to Pawan Arora and his Manager, Chander Shekhar. That during sustained interrogation, applicant disclosed that he has two Champion (LGV) vehicles through which he used to transport goods for earning livelihood. That about 6/7 months back, Pawan Arora and his Manager Shekhar Thakur took the empty room in his *jhuggi* for using it as their godown for storing medicines on a monthly rent of Rs. 7,500/- and also offered him to engage his goods carrier vehicles for bringing medicines for them from other suppliers and to transport the medicines to their customers and courier/transport companies from his godown. That he was being paid Rs. 12,000/- monthly for transporting the medicines which Pawan Arora and his manager Chandra Shekhar used to deposit in his bank account. That during investigation, applicant pointed out the house of absconding Pawan Arora and his office and raid were conducted in search of his associates Pawan Arora & Shekhar Thakur at the instance of applicant but they could not be found.



IO has opposed the bail application further on the grounds that investigation is at initial stage and it is yet to be verified as to whether Pawan Arora had any license from Drug Control Department to sale, possess or stock medicines at his shop which was reportedly being run in the name of Rudra Thakur Enterprises. It is submitted that during investigation, mobile phone of applicant was also seized & examined. That mobile phone has several & regular 'Whatsapp Chat' of applicant with Pawan Arora and Chandra Shekhar. That 'chat' establishes that applicant was working for Pawan Arora and Chandra Shekhar. It is further submitted that case is in preliminary stage of investigation and there are several important aspects like the firms which supplied the said medicines to Pawan Arora and further the persons or parties to whom Pawan Arora supplied the medicines adopting unfair means, bank account details and entire chain of supply is to be identified. That investigation also requires custodial joint interrogation of accused Pawan Arora and Chandra Shekhar and the applicant for having a clear picture of their respective roles in the entire matter. It is submitted that investigation conducted till date proves that applicant was associated in the crime at every stage, was in regular contact with his associates Pawan Arora & Chandra Shekhar, had knowledge of every unauthorized transaction under the garb of medicine trade and intention to have undue gain through illegal stock and sale of psychotropic substance based medicines thus establishing his 'culpable mental stage' which makes him liable for prosecution as per Section 35 NDPS Act. It is further submitted that huge commercial quantity of psychotropic substance based medicines was stored illegally by applicant and his associates and were being supplied for spreading drug menace.

I have heard arguments from both the sides.

Ld. Additional Public Prosecutor has submitted that investigation is at initial stage and it would not be advisable to grant bail to the present applicant as it



may hamper the investigation. The court is inclined to agree with the submissions of Learned Addl. Public Prosecutor. A huge quantity of contraband was allegedly recovered from the co-accused persons and as per the case of the prosecution, the present applicant was actively involved in the commission of the present offence. Before the investigation is over, it can not be said whether the applicant was involved or not and what offence is alleged against the present applicant. Seeing the seriousness of the offence, huge quantity recovered and the fact that investigation is at early stages, the present bail application is rejected at this stage as having no merits.

The application stands disposed of accordingly.

Copy of this order be sent to counsel for applicant, IO/SHO concerned, Ld. Additional Public Prosecutor and Jail Superintendent concerned on their e-mail IDs if provided and found to be correct, through proper channels.

**(SUNIL BENIWAL)**  
**ASJ/Spl. Judge (NDPS)**  
**West District/THC/Delhi**  
**24.07.2020**



**FIR No. 247/20**  
**PS : Ranjit Nagar**  
**U/s 381/411/414/120B/34 IPC**  
**State Vs. Guddu Kumar @ Guddu Rajput**

**24.07.2020**

Arguments heard in open court.

Present: Shri Parvesh Kumar Ranga, Learned Addl. Public Prosecutor for State.  
Shri Shitez Sharma, Ld. counsel for applicant/accused.  
IO SI Gajender Singh in person.

By this order, I shall decide the present application requesting for bail filed on behalf of applicant Guddu Kumar @ Guddu Rajput. Facts as stated in the bail application are as follows :

It is submitted that applicant is in judicial custody since 11.07.2020. That according to the FIR, which is alleged to have been made on the basis of statement of complainant, no offence is made out against the applicant. That the allegations levelled in the FIR, are afterthought and the same have been levelled after great consultation and deliberation and arrest of applicant is motivated. That the applicant has fixed abode of living and there are no chances of him absconding away or tampering with the prosecution evidence in any manner. That applicant undertakes that he shall not misuse the concession of liberty, if granted and is ready to abide by any condition imposed by court.

Learned Addl. Public Prosecutor has opposed the bail application in view of reply filed by the IO.

IO has opposed the bail application further on the ground that investigation is at early stage and more recovery is yet to be effected. It is submitted that applicant has no permanent residence in Delhi and he may jump the bail.



I have heard arguments from both the sides.

Allegations against the applicant are very serious in nature. A lot of money that was allegedly stolen from the house of the complainant, is yet to be recovered. Recovery of a good amount of money was also effected from the applicant himself. Moreover, matter is still under investigation and more recovery is yet to be effected. If granted bail, the applicant may jump bail, threaten the witnesses and may commit same offence of like nature. The applicant may also dispose off the rest of the money i.e. yet to be recovered, if he granted bail at this stage. Therefore, keeping in view the seriousness of offence and the strong reply of IO and the strong opposition of Ld. Additional Public Prosecutor, the bail application at this stage is rejected as having no merits.

The application stands disposed of accordingly.

Copy of this order be sent to counsel for applicant, IO/SHO concerned, Ld. Additional Public Prosecutor and Jail Superintendent concerned on their e-mail IDs if provided and found to be correct, through proper channels.

(SUNIL BENIWAL)  
ASJ/Spl. Judge (NDPS)  
West District/THC/Delhi  
24.07.2020



FIR No. 157/2019  
PS : Nangloi  
U/s 376/323/354/354A/506/509/34 IPC &  
4/8/12 of POCSO Act  
State Vs. Md. Sanaullah

24.07.2020

Present: Shri Parvesh Kumar Ranga, Learned Addl. Public Prosecutor for State.  
Shri Pankaj Rehani, Ld. counsel for applicant/accused.  
Complainant/prosecutrix is also present.  
IO is not present.

SHO is directed to ensure the presence of IO or in place of IO, some responsible police official be deputed who can identify the prosecutrix at the time of arguments on **28.07.2020**.

(SUNIL BENIWAL)  
ASJ/Spl. Judge (NDPS)  
West District/THC/Delhi  
24.07.2020



**IN THE COURT OF SH. SUNIL BENIWAL  
ASJ/SPECIAL JUDGE (NDPS), WEST  
TIS HAZARI COURTS, DELHI**

**FIR No. 81/19  
PS: Mundka  
U/s 20/61/85 NDPS Act  
State Vs. Sandeep**

**24.07.2020**

**Present:** Mr. Parvesh Ranga, Ld. Addl. PP for the State.  
Mr. Mahesh Patel, Ld. Counsel for applicant/accused.

By this order, I shall decide the present bail application moved on behalf of accused/applicant Sandeep. This is the fourth application for grant of bail. Facts as stated in the application are as follows:-

That the applicant is innocent and victim of false implication and that he is in judicial custody since the day of his arrest. It is submitted that the applicant was scooter driver and he was driving the scooty and the pillion rider was carrying a bag. Cloth of the applicant was checked by the IO but nothing was recovered. SI Ramesh found that Devender Rai was in possession of a bag which was checked and found containing six pack of yellow colour substance which appears to be Ganja. That investigation is complete and charge has been framed and that the applicant is no more required for the purpose of further investigation. That all the witnesses are police officials and there is no chance of tampering with the evidence. That during investigation, the investigating agency failed to comply with the mandatory provisions of Section 50 of NDPS Act. That the applicant is young aged fellow and is the only bread earner of his family. Applicant is not previously convicted in any other case. It is therefore, requested that the accused/applicant be released on bail.



**FIR No. 81/19**

**-2-**

**PS: Mundka**

**U/s 20/61/85 NDPS Act**

**State Vs. Sandeep**

Ld. APP for state has strongly opposed the application in view of reply of the IO. It is submitted that as per information, on 27.02.2019 two boys namely Devender Rai and Sandeep were coming on a scooty without number plate. Both the boys were overpowered by police officials and 12 kg Ganja was recovered from the possession of accused persons. The ownership of without number plate scooty was checked and found that the same was stolen vide E-FIR No. 008602/18 u/s 379 IPC, PS Paschim Vihar, Delhi.

I have heard arguments from both the sides. As per the report of IO, applicant was driving the stolen scooter/vehicle without having registered number plate and a bag containing 12 kg ganja was held by the pillion rider. Also, earlier three bail applications of applicant were dismissed by the court. There is every possibility that applicant may jump bail and commit offence of similar nature, if granted bail. Therefore, in view of the above-mentioned discussions and observations, it is not advisable to grant bail to applicant at this stage, hence, the application is rejected.

Copy of this order be sent to counsel for applicant, to the concerned SHO and concerned Jail Superintendent on their e-mail IDs and through proper channel.

**(SUNIL BENIWAL)**  
**ASJ/Special Judge (NDPS)**  
**West District, THC**  
**Delhi/24.07.2020**



IN THE COURT OF SH. SUNIL BENIWAL  
ASJ/SPECIAL JUDGE (NDPS), WEST  
TIS HAZARI COURTS, DELHI

FIR No. 692/2020  
PS: Khyala  
U/s 21 NDPS Act  
State Vs. Usha

24.07.2020

**Present:** Mr. Parvesh Ranga, Ld. Addl. PP for the State.  
Mr. Deepak Ghai, Ld. Counsel for applicant/accused.

By this order, I shall decide the application for interim bail for the period of two months moved on behalf of accused/applicant Usha. Facts as stated in the application are as follows:-

That the applicant is in judicial custody since 12.07.2020. The applicant is suffering from spinal cord problem and increase of Uric acid in blood, liver problem, dysfunctional kidney and thyroid. It is submitted that even in the judicial custody, she was having problem/pain in her neck region as she is suffering from loss of normal lordotic curvature of cervical spine and she made complaint regarding her illness to the jail authorities also as she need belt to relieve from the pain but she is not getting proper response and due to this reason, she is facing acute hardship. That due to the ongoing corona epidemic there is high chance of infection to the accused in judicial custody. It is submitted that as per the prosecution story, accused was allegedly found in possession of 52 gm Smack and same is far less than the commercial quantity i.e. 250 grams. That the applicant was never found in possession of any contraband and the alleged recovery of 52 gm. smack is planted one. That the applicant is the permanent resident of Delhi and there is no chance of her absconding from justice. That the applicant shall not tamper with the prosecution evidence if released on interim bail. That the accused is ready to furnish



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bail bond to the satisfaction of this court. It is therefore, requested that the accused/applicant may kindly be released on interim bail for a period of two months.

Ld. APP for state has strongly opposed the application in view of reply of the IO. It is submitted that total 52 gms Smack (heroin) was found from her possession. It is further submitted that applicant has 13 previous involvements and that she is bad character of PS Khyala. It is also submitted that applicant may influence the witnesses and will again indulge herself in the same crime, if released on bail.

I have heard arguments from both the sides. As per the report of IO, applicant has involvement in 13 other cases and is Bad Character of PS Khyala. Therefore, there is every possibility that applicant may jump bail and commit offence of similar nature, if granted interim bail. Therefore, in view of the above-mentioned discussions and past history of applicant, it is not advisable to grant interim bail to applicant at this stage, hence, the application is rejected.

Copy of this order be sent to counsel for applicant, Ld. APP for state, to the concerned IO/SHO as well as concerned Jail Superintendent on their e-mail IDs and through proper channel.

**(SUNIL BENIWAL)**  
**ASJ/Special Judge (NDPS)**  
**West District, THC**  
**Delhi/24.07.2020**



**IN THE COURT OF SH. SUNIL BENIWAL  
ASJ/SPECIAL JUDGE (NDPS), WEST  
TIS HAZARI COURTS, DELHI**

**FIR No. 646/20  
PS: Paschim Vihar West  
U/s 376/506 IPC  
State Vs. Lokesh Bansal**

**24.07.2020**

**Present:** Mr. Parvesh Ranga, Ld. Addl. PP for the State.

Mr. Jujhar Singh, counsel for the applicant/accused.

By this order, I shall decide the present application requesting for grant of anticipatory bail to applicant Lokesh Bansal. Facts as stated in the application are as follows:-

At the outset, counsel for applicant submitted that applicant has been honey trapped by the prosecutrix, her husband and her family members. It is further submitted that the real facts of the case are that no offence of rape has been committed upon the prosecutrix by the applicant at any stage or at any time. It is submitted that this is one of those convenient cases where the prosecutrix honey traps vulnerable victims to satisfy her own lust and greed for money and other material things. It is submitted that this is not a genuine case and the prosecutrix alongwith her husband under a conspiracy has succeeded in obtaining and extorting huge sums of money from the accused under the threat of filing this false case against him and destroying his family. It is further submitted that at no point of time forceful sexual relations were established between the applicant and the prosecutrix. Counsel for applicant further submitted that this is one of those cases where the prosecutrix tries to extort huge sums of money from a well to do person under the scare of sending him who pretrial detention in prison. It is submitted that it is not the case of prosecution that the applicant has ever threatened the prosecutrix or anybody else connected with this false case. It is further submitted that the version



of the prosecutrix even as per her own complaint is belied and proving to be false as there are so many material inconsistency in her statement even during the course of investigation. It is submitted that the applicant surrendered his phone the same day to the IO and has co-operated with the IO during the entire investigation to the satisfaction of the IO but till date the prosecutrix has not submitted her own mobile phone to the IO for the investigation as the prosecutrix knows that there is no way the prosecutrix can tamper with the technology and if the mobile phone of the prosecutrix and her husband is submitted to the IO, forensic examination of the same shall clearly prove that this is a classic case of honey trapping the applicant by the prosecutrix in order to make illegal gains by extorting huge sums of money. It is submitted that the prosecutrix has a very long history with the applicant and the prosecutrix tried to become romantically involved with the applicant even when she was pursuing another paramour since 2012 and has also married that person. Counsel for applicant further submitted that this is a classic case where not just prosecutrix but also her husband is busy in extorting money time and again and the banking transactions between the applicant/accused and the prosecutrix and her family members prove the same. It is submitted that the applicant has co-operated with the IO on each and every step of investigation and has also obeyed all his instructions and has never threatened the prosecutrix or any other person connected with this case. It is further submitted that there is a delay of almost two years in lodging of the FIR. Counsel has cited the judgment of Hon'ble Supreme Court titled as **Kishan Singh (D) through LRs V/S Guralp Singh & Ors.** Whereby it has been held that "21. Prompt and early reporting of the occurrence by the informant with all its vivid details gives an assurance regarding truth of its version. In case, there is some delay in filing the FIR, the complainant must give explanation for the same.



Undoubtedly, delay in lodging the FIR does not make the complainant's case improbable when such delay is properly explained. However, deliberate delay in lodging the complaint is always fatal.

It has also been categorically held by the Bombay High Court in

**Akshay Manoj Jaisinghani V/s The State of Maharashtra MANU/MH/0038/2017**

that:

7. ".....Since many generations, virginity of a woman is considered as precious and there is a moral taboo that it is a responsibility of a woman to be a virgin at the time of marriage. However, today, the young generation is exposed to different interactions with each other and is well informed about sexual activities; similarly, the late marriages and economic independence are also relevant factors. The society is trying to be liberated but carries baggage of different nations of morality wherein sex before marriage is a matter of censure and hence, it is a hush-hush subject. In fact, it is an issue before the social thinkers to educate and guide the society. Under such circumstances, a young woman who is in love with a boy forgets that to have sex is her option like her counterpart but somehow refuses to take the responsibility of her decision. If at all she has indulged into sexual activities even on a promise to marry, the girl may land up emotionally and physically in a pathetic situation after break up. To marry someone is a matter of choice. It cannot be imposed on anybody. Only because two individuals are sexually involved with each other, it is not compulsory for them to marry. Initially, a boy and a girl genuinely may want to marry and are true to their emotions and establish sexual relationship, however, after some time, they may find that they are not mentally or physically compatible and one decides to withdraw from the relationship. Under such circumstances, nobody can compel these two persons to



marry only because they had sexual relationship. It is necessary to have a healthy, objective and legal approach towards these incidents. There may be moral bonding between the two persons when they indulge into sexual activities with promise to marry and it is also a fact that ultimately women only can remain pregnant and therefore, she suffers more than the man. However, in law, this cannot be labeled in any manner as a rape.”

Because it is a well settled proposition of law that anticipatory bail can be granted even in rape cases like these where custodial interrogation is not required as the **Hon'ble High Court of Delhi in case of Jagdish Nautiyal Vs. State MANU/DE/6227/2012, it was held that:-**

10. No doubt, the allegations made against the petitioner are very serious in nature but the severity of the allegations is not the only consideration which should result in denial or the grant of bail to the petitioner. The totality of circumstances deserves to be seen before a person is granted or denied the anticipatory bail. The Supreme Court in case titled *Siddharam Satlingappa Mhetre Vs. State of Maharashtra MANU/SC/1021/2010: (2011) 1 SCC 694* has laid down that the court should be loath to reject the grant of anticipatory bail inasmuch as it impinges on a personal liberty of a person. Meaning thereby, unless and until there is an imminent and a great imperative to have a custodial interrogation of an accused, the anticipatory bail does not deserve to be denied. In the instant case, assuming the allegations against the petitioner to be correct, at best, a case of consent of the complainant for contracting marriage having been obtained by fraud or misrepresentation is made out. This fact does not require any custodial interrogation because the complainant herself has to testify before the Court as and when the petitioner is put to trial as to whether her consent was obtained by misrepresentation or fraud.



Because the personal liberty of an individual is of paramount importance and arrest is normally to be avoided. Moreover, normally the accused be asked to join the investigation in the case and if cooperated by the accused, then the bail be given to the accused. The same has also been reiterated by the Hon'ble Apex

Court in **Siddharam Satlingappa Mhetre vs Maharashtra, AIR 2011 SC 312.**

The Apex court gave its further refined findings in **Siddharam Satlingappa Mhetre Case**, whereby deciding the bail application mentioned that the following factors and parameters can be taken into consideration while dealing with the anticipatory bail few of them have been mentioned herein:

*“The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;*

- i. The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;*
- ii. The possibility of the applicant to flee from justice;*
- iii. The possibility of the accused's likelihood to repeat similar or the other offences.*
- iv. Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.*
- v. Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people.*
- vi. The Court to consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant.*

Because it makes sense to assume that a man on bail has a better chance to prepare or present his case before any court of law than one who is remanded in judicial custody. Moreover, it further makes sense if public justice is to



be promoted, mechanical detention should be demoted.

Because even when there is a serious charges leveled against the applicant, that by itself is not a reason to deny anticipatory bail when the matter can be examined keeping in view other factors or the case.

As per reply of IO, accused has joined the investigation on 09.07.2020. Investigation of the case is at initial stage and is in progress. Accused may hamper the investigation of the case and threaten the witnesses. Offence is very heinous in nature, hence the bail is highly opposed. There is no previous involvement of accused.

Ld. APP has strongly opposed the bail application. Ld. APP has been assisted by counsel for the prosecutrix during the course of arguments. Ld. APP supported by counsel for prosecutrix has submitted that existence of financial transactions alone cannot be a ground to grant anticipatory bail to the applicant. It is submitted that existence of financial transactions between the applicant and the prosecutrix does not mean that offence under Section 376 IPC has not been committed upon the applicant. Ld. APP has submitted that the applicant established physical relations under the pretext of marriage knowing fully well that he would not be able to marry with the prosecutrix since he has already been married and having three children. It is further submitted that applicant established forceful physical relations without her consent and against her will and granting anticipatory bail to the applicant at this stage may hamper the investigation of this case.

I have heard arguments from both the sides at length. After hearing arguments, this court is of the opinion that further material evidence is required to properly decide and dispose of the bail application and to deal with the contentions of the applicant and the prosecutrix. The reply which the IO has submitted does not



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appear to be complete with respect to all aspects of investigation. Reply filed by the IO does not deal with all the material particulars of the complaint and the offence alleged against the applicant. Moreover, IO who is present in the court today is not the original IO and has been deputed today merely to attend the court proceedings. He is unable to assist the court in vital queries regarding banking transaction and other allegations and counter allegations, therefore, re-list the matter for further arguments after IO has obtained other evidences and information regarding the case, returnable for **13.08.2020**. In the meantime, applicant is granted interim protection from coercive action till the next date of hearing.

IO is directed to properly investigate the matter and collect as much evidence as possible and place it before the court on the next date for disposal of the application.

Copy of this order be sent to counsel for applicant, IO and the complainant on their e-mail IDs and through proper channel.

(SUNIL BENIWAL)  
ASJ/Special Judge (NDPS)  
West District, THC  
Delhi/24.07.2020