

**FIR No.301/2020
PS Karol Bagh
U/s 376/506 IPC
State Vs. Karan**

**25.07.2020
At 12.55 P.M.**

Fresh bail application u/s 439 Cr.PC filed. It be checked and registered.

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Puja Kumar Singh, Ld. Counsel for the applicant/
accused Karan.
IO ASI Bimla (No. D- 2222/C PS Karol Bagh) is present.
Complainant/ victim is not 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.

IO submits that in the morning today, she telephonically informed the complainant/ victim about the present bail application and asked her to appear in the present matter.

In the absence of victim, this court is not inclined to hear the matter. IO is directed to serve a notice in writing upon the complainant/ victim about the pendency of the present bail matter.

Be put up on 28.07.2020.

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

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/25.07.2020 (K)**

FIR No.425/2019
PS Karol Bagh
U/s 385 IPC & 25/27/54 & 59 Arms ACT
State Vs. Ashok Kumar @ Bichwa

25.07.2020

At 12.30 P.M.

**Fresh bail application u/s 439 Cr.PC filed. It be
checked and registered.**

Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh.Omkar Singh, Ld. Counsel for the applicant/ accused
Ashok Kumar @ Bichwa.

**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 application.

At request, the present bail application stands dismissed as withdrawn.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/25.07.2020 (K)

**FIR No. 36793/19
PS Rajinder Nagar
U/s 379/411/34 IPC
State Vs. Arvind Kumar @ Bablu**

25.07.2020

At 12.15 P.M.

**Present: Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Anil Tomar , Ld. Counsel for the applicant/ accused
Arvind Kr @ Bablu.
IO ASI Vijay Shankar (No. D-5545/Central 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.

Perusal of record reveals that vehicle reported to have been stolen vide present FIR has already been recovered from co-accused Mohd. Wahid and a chargesheet has also been filed against said co-accused u/s 379/411 IPC. The present applicant/accused was named by said co-accused in his disclosure statement. The Ld. Roster Judge on Duty has observed on 02-05-2020 that custodial interrogation of applicant/accused is not required and therefore granted interim protection to applicant/accused. The said interim protection is still continuing. Upon query by this court (and after seeking a verbal status report from the IO), Ld. APP for the State fairly concedes that the applicant/ accused deserves grant of anticipatory bail.

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FIR No. 36793/19

PS Rajinder Nagar

In these circumstances, applicant/ accused Arvind @ Bablu is granted anticipatory bail on furnishing bail bonds in a sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the concerned Ld. Duty MM/ concerned Ld. Court/SHO/IO. However it is directed that applicant/accused shall join investigation as and when required by SHO/IO, shall not tamper with evidence, shall not abscond and shall cooperate during investigation. The present anticipatory bail application stands disposed of accordingly. 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/25.07.2020 (K)

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

Again 12.05 P.M
25.07.2020

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Shamshad, Ld. Counsel for the applicant/ accused
Nadeem.
Sh. Manoj Kumar, Ld. Counsel for the applicant/ accused Nadeem
is also present.
Sh. Ajay Bansal, Ld. Counsel for the complainant.
IO SI Narender Beniwal is also 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.

Sh. Manoj Kumar, Ld. Counsel for the applicant/ accused submits that
he has filed his fresh vakalatnama on behalf of the applicant/ accused today. In these
circumstances, Sh. Shamshad, Ld. Counsel for the applicant/ accused wants to be
discharged from the said matter. As such, he stands discharged from this case.

Fresh vakalatnama on behalf of the complainant filed.

At this stage, Ld. Counsel for the applicant/ accused seeks an
adjournment.

At request, be put up on **31.07.2020**.

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

(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/25.07.2020 (K)

**FIR No.123/2020
PS Hauz Qazi
U/s 498A/406/34 IPC
Vijay Sarswat Vs. State
Shakti Sharma Vs. State
Suryakant Sharma Vs. State
Sunit Sarswat Vs. State**

25.07.2020

At 11.04.5 P.M.

**Fresh bail application u/s 438 Cr.PC filed. It be
checked and registered.**

**Present Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Ankur Gupta, Ld. Counsel for all the applicants/
accused.
IO ASI Natendra Baisla (No. D-5012 PS Hauz Qazi) 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.

Adjournment is requested by the Ld. Counsel for the applicant/
accused.

At request, be put on **06.08.2020**.

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

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/25.07.2020 (K)**

FIR No. 362/15
PS Karol Bagh
U/s 419/420/4367/468/34 IPC
State Vs. Sunil

25.07.2020
At 03.00 P.M.
Present :

Sh. Manoj Garg, Ld. Addl PP for the State.
Sh. Ranveer Singh, Ld. Counsel for the
applicant/accused Sunil.
IO SI Shri Narayan Ojha (D-5368) from PS Karol Bagh is
present.
Proceedings conducted 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.

At this state, it is noticed that the documents are not legible. Ld.
Counsel for the applicant/accused seeks some more time to provide legible copy of
the documents.

At request, put up at 02.00 P.M.

(LOVLEEN)
PO MACT-02 (CENTRAL)

DELHI/25.07.2020 (K)

Again at 03.30 P.M

Present: Sh. Ranveer Singh, Ld. Counsel for the
applicant/accused Sunil.

Legible copies of documents have been transmitted
electronically.

At this stage, Naib Court of this Court submits that Ld. Addl PP
for the State is away to hospital.

In these circumstances, the matter stands adjourned for
27/07/2020.

(LOVLEEN)
PO MACT-02 (CENTRAL)

DELHI/25.07.2020 (K)

Raj Kumar Thapa Vs Amit Arora

25.07.2020

At 03.20 P.M.

**Present : Sh. Rahul Gaur, Ld. Counsel for the DH
alongwith DH.
None for the JD/Insurance Company.**

**Proceedings conducted through Video
conferencing by means of Webex Meet.**

Statement of DH in pursuance to the directions of
the Hon'ble High Court of Delhi recorded.

Submissions heard.

Put up for orders on 27/07/2020.

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/25.07.2020 (K)**

Raj Kumar Thapa Vs Amit Arora

Statement of Sh. Raj Kumar Thapa S/o Late Sh. Neem Bahadur, R/o H.No. 5257/8, Gali No. 115/5, B-Block, Sant Nagar, Burari, Delhi-110084.

On S. A.

I am the DH in the present case. In pursuance to the directions of the Hon'ble High Court of Delhi, I am filling the photocopy of my passbook maintained with Canara Bank, Branch Burari, Delhi with due endorsement that no cheque book & ATM Card have been issued to him. I have also filed the photocopies of my PAN Card, Aadhar Card as well as two coloured photographs besides two specimen of my signature on blank paper. I am having a family consisting of my mother, wife and two children. My monthly household expenditure is **Rs. 20,000/-**.

RO & AC

**(LOVLEEN)
PO, MACT-2 (CENTRAL)
DELHI/25/07/2020 (K)**

**FIR No. 252/2020
PS : Sarai Rohilla
U/S 323/376/506 IPC
State Vs. Amit Dhiman**

**25.07.2020
At 1:15 PM**

**These are two bail applications moved on behalf of applicant/
accused Amit Dhiman.**

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Rajesh Kumar Singh, Ld. Counsel for the applicant/
accused Amit Dhiman.
Sh. Ajesh Kumar Sharma, Ld. Counsel for the complainant
alongwith complainant in person.
IO SI Hema Chaudhary (No. D-3217 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 has been filed by the IO. Record perused.

Submissions heard.

Be put up at 4:00 pm for orders.

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

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/25.07.2020 (K)**

**FIR No. 252/2020
PS : Sarai Rohilla
U/S 323/376/506 IPC
State Vs. Amit Dhiman**

**25.07.2020
At 4:00 PM**

**ORDER ON BOTH THE BAIL APPLICATIONS MOVED ON BEHALF OF
APPLICANT/ ACCUSED AMIT DHIMAN FOR GRANT OF ANTICIPATORY
BAIL**

Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
None for the applicant/ accused Amit Dhiman.

**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.

Briefly stated, the case of the prosecution, as per the present FIR, is that the applicant/ accused is the brother-in-law (Nandoi) of the prosecutrix who, on 05.04.2020, committed rape upon the prosecutrix and also threatened her not to disclose about it to anyone. At that time, the family members of the prosecutrix (including husband, in-laws and child) were not available in Delhi. On 15.04.2020, the family members of the prosecutrix returned to their home. However, the prosecutrix did not disclose the incident to her family members. On 18.06.2020, the applicant/ accused had an altercation with the husband of the prosecutrix and who threatened to "viral" (upload) certain pictures of the

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prosecutrix. Thereafter, the incident of rape committed on 05.04.2020 by the applicant/ accused was communicated to her family members by the prosecutrix. The husband of the prosecutrix then beat her and sent her to her parental house. When the husband of the prosecutrix did not return to bring her back, the prosecutrix got present FIR registered.

In the above background, Ld. Counsel for the applicant/ accused Amit Dhiman has argued that the prosecutrix is a 35 years old woman having an 08 years old son and that there is an unexplained delay of three months between the alleged date of occurrence (i.e. 05.04.2020) and date of registration of FIR (14.07.2020). It is submitted that the relationship was consensual and this is a false FIR. Ld. Counsel for the applicant/ accused has further submitted that he has placed on record the Call Details Records, whatsapp chats and screen shots of video calls made between the applicant/ accused and the prosecutrix in order to corroborate his submission (that there was a subsisting consensual relationship between the applicant/ accused and the prosecutrix and the present FIR has been falsely registered against the applicant/ accused). Ld. Counsel for the applicant/ accused has taken this Court through the mobile phone bills of the mobile no. 859****91 belonging to the applicant/ accused, which depict that there were multiple and long conversations between the said mobile phone number of the applicant/ accused and one mobile no. 798****35,

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all throughout 05.04.2020 to 18.06.2020 even at odd hours (Upon query from IO, it has been affirmed that mobile number 798****35 belongs to prosecutrix and the other mobile belongs to applicant/accused). Ld. Counsel for the applicant/ accused has also placed on record a voluminous transcript of the whatsapp chats between the applicant/ accused as well as the prosecutrix which reveal the intimate nature of conversations carried out at the relevant time (Again upon query from IO, it is affirmed that said chats were between applicant/accused and prosecutrix). Ld. Counsel for the applicant/ accused has also placed on record a receipt depicting that one mobile number of the prosecutrix was got recharged by him from his Paytm account. Ld. Counsel for the applicant/ accused has also placed on record a screen shot of a video call between the applicant/ accused and the prosecutrix to corroborate his contentions (again IO affirms the identity of parties in screenshot). Ld. Counsel for the applicant/ accused has further submitted that the prosecutrix went with the applicant/ accused for shopping on 13.06.2020 and the said fact could be easily discovered from the call details records between the two by the IO during investigation. It has been further argued that if the applicant/ accused had actually raped the prosecutrix, then why the prosecutrix continued to chat with the applicant/ accused and converse with him on mobile phone even during odd

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hours. Ld. Counsel for the applicant/ accused has further submitted that all the material placed on record today by him depicts that the relationship was consensual and the contents of the FIR are false & self-contradictory. Ld. Counsel for the applicant/ accused has relied upon a judgment of the Hon'ble High Court of Delhi titled as ***Roop Kishore Madan Vs. State, 2001 CrILJ 1219, decided on 14th December, 2000***. Ld. Counsel for the applicant/ accused has further submitted that this is a fit case for grant of anticipatory bail. He has further submitted that the applicant/ accused Amit Dhiman shall not abscond and shall join the investigation, if appropriate relief is granted by this Court.

On the other hand, it is submitted by the Ld. Counsel for the complainant that the applicant/ accused was in a dominant position because of close family relations (applicant/ accused is the husband of prosecutrix's Nanad), and hence, the delay in registration of the present FIR. It has been further submitted that the prosecutrix was compelled to chat and converse with the applicant/ accused out of fear for the life of her child. It has been further submitted that the prosecutrix never gave her consent to the applicant/ accused to commit rape or intercourse with her. It has been further submitted that the applicant/ accused is an influential person, who has been able to lay his hands upon the copy of the FIR. It has been further submitted that the custodial interrogation of the applicant/ accused is required to seize the laptop and the

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mobile phone of the applicant/ accused. Accordingly, it has been prayed that the present bail application may be dismissed.

In addition to the above contentions, Ld. APP for the state has submitted that the investigation is at its initial stage and keeping in view the gravity of the offences, the present bail application may be dismissed.

In rebuttal, Ld. Counsel for the applicant/ accused has submitted that the relationship was totally consensual in nature. It has been further submitted that he obtained a copy of the FIR after moving an appropriate application before the concerned Court. It has been further submitted that the applicant/ accused is willing to hand over his laptop and mobile phone to the IO at any point of time. It is again prayed that the applicant/accused may be granted anticipatory bail.

This Court has considered the rival submissions. Perusal of the voluminous materials placed on record by the Ld. Counsel for the applicant/ accused (the mobile phone calls depicting the long conversations between the applicant/ accused and prosecutrix even at odd hours for a very long period preceeding the registration of this FIR, transcripts of intimate whatsapp chats between the applicant/ accused and prosecutrix, screen shots of video calls between the applicant/ accused and prosecutrix) reveal that the parties were

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having an intimate relationship for a long period of time before registration of the present FIR. In these circumstances, the contention of the applicant/ accused Amit Dhiman, that the prosecutrix got registered the present FIR only because her husband has left her at her parental home and has not brought her back to her matrimonial home, could not be brushed aside lightly. Obviously, the rival contentions of the parties shall be ad-judged on merits only during the course of trial. In the considered opinion of this Court, at this belated stage (after so much gap between the date of occurrence and the date of registration of FIR) the nature of accusations does not seem to necessitate custodial interrogation except for the purpose of recovery of mobile phone and laptop of the applicant/ accused or his medical examination, which purposes could be achieved easily by directing the applicant/ accused to surrender his laptop and his mobile phone to the IO/ SHO concerned or undergo medical examination, if so directed. It is however clarified here that IO/SHO shall not be bound by the last aforesaid observation (i.e. as to Recovery of articles and Medical examination) as it is just a prima facie opinion and they (IO/SHO) would be well within their rights to employ any legal means to unearth any further evidence in support of their case. In other words, the said observations may not be treated as a bar to investigate the matter as per law.

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Considering the totality of the circumstances, I am inclined to grant the anticipatory bail to the applicant/ accused Amit Dhiman. It is directed that in the event of arrest, the applicant/ accused Amit Dhiman shall be released on bail on furnishing bail bond in a sum of Rs. 25,000/- with one surety in the like amount to the satisfaction of the Ld. Duty MM/ Ld. MM/ SHO/ IO concerned. However, it is directed that the applicant/ accused shall join investigation as and when so required and shall advance full co-operation to the Investigating Agency in all respects (including recovery/seizure as well as medical examination); and shall not leave Delhi without informing the IO / SHO. It is further directed that the applicant/ accused shall not contact the prosecutrix in any manner, shall not tamper with the evidence, shall not commit any other offence of the similar nature. In case the applicant/ accused Amit Dhiman is found in violation of either of the said conditions, the State shall be at liberty to move an application for cancellation of the bail of the applicant/ accused. A copy of this order be sent to the Ld. MM concerned/ SHO/ IO concerned for information. Copy be also given dasti to the Ld. Counsel for the applicant/ accused, as requested. Both the present applications stand disposed of accordingly. A copy of this order be uploaded on the official website of Delhi District Courts.

(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/25.07.2020 (K)