

27.07.2020

The Court of undersigned is having duty today as per Circular / Duty Roster no. /Misc./Gaz./DJ/West/2020 dated 15.07.2020.

Present: Sh. Santosh Kumar, learned Additional Public Prosecutor
for State.

Shri Sunil Tomar, Ld. Counsel for accused/applicant.

This is an application for grant of bail to accused/applicant Mohd. Ikram @ Arif on the ground that he has not committed any offence and has been falsely implicated in the present case. It is further stated that accused is suffering from T.B due to which he is suffering a lot hardship behind the bar. It is therefore, prayed that accused/applicant may be released on bail.

Report regarding medical status of accused Mohd. Ikram @ Arif has been received from the Jail Superintendent.

According to the report called from the jail, the medical condition of accused is stable although he is a known case of extra pulmonary tuberculosis.

Ld. Counsel for the applicant submits that the applicant was granted interim bail by other courts as well and it is the only case in which he is inside the jail.

I have gone through the reply of the Investigating Officer according to which the applicant is a habitual criminal and he has 19 criminal cases against him. Out of these, three cases are of murder u/s 302 IPC.



The Ld. Metropolitan Magistrate while dismissing the bail application of the applicant observed that the present case arises out of intimidation to the complainant Rahish not to dispose against the accused in the trial pertaining to FIR 389/2019 u/s 302 IPC and 25/27 Arms Act 1959 PS Punjabi Bagh. Further, the antecedents of the accused do not entitle him to the luxury of getting treatment of Tuberculosis on bail as the accused is involved in two other cases of murder and attempt to murder apart from the present case. The accused is being tried by this court for the offence u/s 195 (A) of IPC and there is every possibility that he will again obstruct the trial of the case and intimidate the complainant who is a witness in the aforesaid murder case to apart from the present case. Even if it is accepted for the sake of arguments that the accused being diagnosed with tuberculosis is not in a position to intimidate the complainant and the witnesses, it must be borne in mind that section 195 (A) is not restricted to the threatening of the witness only by the accused but also extends to such threats being given by any other person who may be acting on behalf of the accused, which, occupied with occasional liberty being given to the accused, will be sufficient to create a terror in the mind of witness, thereby impeding the course of justice. Matter is still at the stage of arguments on charge, and the testimony of material witnesses is yet to be recored. Getting treatment of Tuberculosis in a short span of 21 days does not seem to be any reasonable justification for the grant of bail, when such treatment can be provided by the prison authorities.

Considering the criminal antecedents of the applicant which are filed by the Investigating Officer, it is clear that the applicant is habitual offender.

After some brief arguments, the applicant's counsel submits that he does not want to press this bail application and wants to withdraw it.

In these circumstances, this application for grant of bail to accused Mohd. Ikram @ Arif stands dismissed as withdrawn.



Application stands disposed off accordingly.

At request, copy of order be given Dasti.

Copy of this order be also given to the prosecution and be sent to the Ld. Court of Magistrate where the trial is pending and to IO/SHO.



(SAMAR VISHAL)

**Addl. Sessions Judge-08
West District, THC Delhi**

27.07.2020

FIR No. 1036
Police Station : Rajouri Ga
State Vs.
U/s 326/3

27.07.2020

**The Court of undersigned is having duty today as per Circular / Duty
ter no. /Misc./Gaz./DJ/West/2020 dated 15.07.2020.**

Present: Sh. Santosh Kumar, learned Additional Public Prosecutor
for State.

Shri Zia Afroz, Ld. Counsel for accused/applicant.

This is an application for grant of interim bail to accused/applicant Sor
Reply filed.

For disposal of the bail application, trial court record is required.

Let the trial court record be called for the next date.

Bail application be listed on 30.07.2020.


(SAMAR VISHAL)
Addl. Sessions Judge-0
West District, THC Delh
27.07.202

FIR No. 454/20
Police Station : Tilak Nagar
State Vs. Arun
U/s 457/380/411/34 IPC

27.07.2020

The Court of undersigned is having duty today as per Circular / Duty Roster no. /Misc./Gaz./DJ/West/2020 dated 15.07.2020.

Present: Sh. Santosh Kumar, learned Additional Public Prosecutor
for State.

Shri Mahesh Patel, Ld. Counsel for accused/applicant.

As directed on the 25.07.2020, Investigation Officer is present, however he has not brought the case file and seeks some time to bring the case file.

Investigating Officer is bound down for the next date with direction to bring the case file positively on the next date.

Be listed the bail application on 07.08.2020.

Till then, interim order to continue.


(SAMAR VISHAL)
Addl. Sessions Judge-08
West District, THC Delhi
27.07.2020

27.07.2020

The Court of undersigned is having duty today as per Circular / Duty Roster no. /Misc./Gaz./DJ/West/2020 dated 15.07.2020.

Present: Sh. Santosh Kumar, learned Additional Public Prosecutor for State.

Shri C.P Deol, Ld. Counsel for accused/applicant.

This is an application for grant of bail to accused Hemant @ Ginni on the ground that accused is innocent and has been falsely arrested in the present case and lodged in judicial custody since 06.06.2020. Further, the recovery, if any from the accused is planted one. It is stated that accused is not a previous convict and belongs to a respectable family. It is also stated that since the mother of accused remains ill and there is no one in the family to take care of her, accused may be granted bail.

Reply to the bail application alongwith previous involvement report of accused has been filed by IO.

Ld. Additional Public Prosecutor has vehemently opposed the bail application stating that accused is a habitual offender and if accused is granted bail, he may jump the same.

As per reply, there are allegations u/s 454/380/411/34 IPC against the accused/ applicant. Co-accused Mahesh @ Manish was arrested at the instance of accused/applicant and the robbed articles were also recovered from the possession of accused persons. Further, as per previous involvement report, accused/applicant is also involved in several similar criminal cases.



Keeping in view the fact that allegations against the accused are quite grave and he is a habitual offender, I do not find it justifiable to grant bail to accused/application. Therefore, the bail application of accused/applicant Hemant stands dismissed.

Application stands disposed off accordingly.

As prayed, copy of order be given Dasti.



(SAMAR VISHAL)
Addl. Sessions Judge-08
West District, THC Delhi
27.07.2020

**FIR No.481/2020
Police Station : Khyala
State Vs.Vishal @ Podda
U/s 392/411/34 IPC**

27.07.2020

**The Court of undersigned is having duty today as per Circular /
Duty Roster No. 403/9004-9086/Misc/Gaz/DJ West/2020 dated
15.07.2020.**

**Present : Sh. Santosh Kumar Singh, learned Additional Public
Prosecutor for State.
None for applicant / accused.**

**Fresh second bail application under section 439 Cr.PC moved
on behalf of applicant / accused Vishal @ Podda.**

**Let reply of the bail application be called from the investigating
officer for 04.08.2020.**


**(SAMAR VISHAL)
Addl. Sessions Judge-08
West District, THC Delhi
27.07.2020**

FIR No.241/2019
Police Station : Crime Branch
State Vs. Karan Raheja
U/s 406/420/506/341/120B IPC &
66 D IT Act

27.07.2020

The Court of undersigned is having duty today as per Circular / Duty Roster No. 403/9004-9086/Misc/Gaz/DJ West/2020 dated 15.07.2020.

Present : Sh. Santosh Kumar Singh, learned Additional Public Prosecutor for State.
Sh. Ajay Kumar Pipaniya Learned counsel for applicant / accused through video-conferencing (CISCO Webex).

This is an application for modification in the order dated 12.02.2020 whereby the applicant has been granted bail with the following conditions :

“He shall surrender his passport before the Ld. Trial Court if not already seized by the IO or detained in some other case. In case the passport is detained in some other matter, the accused will submit proof before the Ld. Trial Court. LOC be got opened against him and he shall not leave the country without taking permission of the Ld. Trial Court. He shall report to the SHO PS EOW/IO on the 1st day and 15th day of every month and get his presence marked. If the day of his appearance happens to be holiday, he shall appear on the immediate next working day. He is also directed not to contact, threaten or try to influence the complainant or any witness in any manner.”

Reply from the investigating officer Inspector Yash Pal Singh received. He has opposed the application.



The application is filed by the applicant on the ground that due to current COVID 19, going to the police station may put him to a risk and he has requested to do away this requirement.

Heard counsel for the applicant.

In the present circumstances, the condition of reporting by the applicant to SHO Police Station EOW on 1st and 15th day of each month to mark his presence is suspended till 31.10.2020. However, he shall share his live location with the investigating officer at all time and specifically on 1st and 15th day of each month.

Application stands disposed off accordingly.

Copy of this order be given dasti to the counsel for applicant/accused.


(SAMAR VISHAL)
Addl. Sessions Judge-08
West District, THC Delhi
27.07.2020

**FIR No.162/2014
Police Station :Khyala
State Vs.Vinod @ Bhenga
U/s 307/34 IPC and
25/54/59 Arms Act**

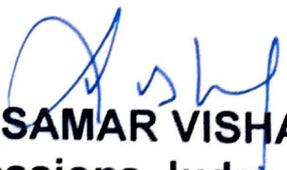
27.07.2020

**The Court of undersigned is having duty today as per Circular /
Duty Roster No. 403/9004-9086/Misc/Gaz/DJ West/2020 dated
15.07.2020.**

Present : Sh. Santosh Kumar Singh, learned Additional Public
Prosecutor for State.
None for applicant / accused

This is an application under section 439 Cr.PC for grant of
interim bail to the applicant / accused.

Let reply be also called from the investigating officer for
05.08.2020.


(SAMAR VISHAL)
Addl. Sessions Judge-08
West District, THC Delhi
27.07.2020

**FIR No.130/2020
Police Station :Punjabi Bagh
State Vs.Sonu @ Amar
U/s 307/34 IPC and
25/27 Arms Act**

27.07.2020

**The Court of undersigned is having duty today as per Circular /
Duty Roster No. 403/9004-9086/Misc/Gaz/DJ West/2020 dated
15.07.2020.**

Present : Sh. Santosh Kumar Singh, learned Additional Public
Prosecutor for State.
Ms. Dhaneshwari, learned counsel for applicant / accused
through video-conferencing (CISCO Webex).

Learned APP for State submits that the charge-sheet is required
for address the arguments in the present case. At request of Ld APP,
let the record be summoned for **29.07.2020**.


(SAMAR VISHAL)
Addl. Sessions Judge-08
West District, THC Delhi
27.07.2020

**FIR No.556/2020
Police Station :Rajouri Garden
State Vs. Pintu Kumar
U/s 356/379/411/120B IPC and
25/27 Arms Act**

27.07.2020

**The Court of undersigned is having duty today as per Circular /
Duty Roster No. 403/9004-9086/Misc/Gaz/DJ West/2020 dated
15.07.2020.**

Present : Sh. Santosh Kumar Singh, learned Additional Public
Prosecutor for State.
Sh.Ashwani Tripathi, Learned counsel for applicant /
accused through video-conferencing (CISCO Webex).

Applicant's counsel submits that all the co-accused are on bail.
However, he needs sometime to file the bail orders. At request, put
up on **28.07.2020**.


(SAMAR VISHAL)
Addl. Sessions Judge-08
West District, THC Delhi
27.07.2020

15.07.2020.

Present : Shri Santosh Kumar Singh, learned Additional Public Prosecutor for State.
Shri Vinay Kumar Sharma Learned counsel for applicant / accused.

Order on application of bail on behalf of accused Shahbuddin

This order will dispose of an application of bail moved on behalf of the applicant / accused Shahbuddin. The bail application is moved on the ground that the investigation with respect to the applicant is complete and it was the complainant, who fired upon the applicant.

Learned Additional Prosecutor Shri Santosh Kumar has opposed the bail application stating that the offences are grievous in nature and investigation is going on. It is further submitted by him that bail application of this applicant was dismissed by this Court on 10.07.2020 after considering all the submissions of the applicant's counsel.

I have gone through the records. The applicant Shahbuddin has moved bail application which was dismissed vide order dated 10.07.2020. It is submitted by applicant's counsel that, now the co



accused has been arrested and for this reason, he has filed this bail application.

This does not amount to any change in the circumstances of this case with respect to the applicant.

The Hon'ble Supreme Court in ***Kalyan Chandra Sarkar vs Rajesh Ranjan @ Pappu Yadav & Anr Crl 1129 of 2004*** decided on **18th January 2005** observed that though an accused had a right to make successive applications for grant of bail the court entertaining such subsequent bail applications has duty to consider the reasons and grounds on which the earlier bail applications were rejected and in such cases the court also has a duty to record what are the fresh grounds which persuaded it to take a view different from the one taken in the earlier applications.

The allegations in the present case are serious in nature and the investigation is going on. Releasing the applicant on bail may prejudice the investigation. Hence, no ground is made out to release the applicant. Accordingly, the bail application is dismissed.

Copy of this order be given dasti to the counsel for applicant/accused.

Intimation be also sent to the investigating officer/SHO.


(SAMAR VISHAL)
Addl. Sessions Judge-08
West District, THC Delhi
27.07.2020

15.07.2020.

Present : Sh. Santosh Kumar Singh, learned Additional Public Prosecutor for State.
Sh. Dhan Bhadur Yadav learned counsel for applicant / accused.

This is an application for grant of interim bail to the applicant / accused Salman @ Rijwan.

It is submitted by learned counsel for accused/applicant that he does not want to press the bail application and wants to withdraw the same.

In view of submission, the bail application of accused Salman @ Rijwan is dismissed as withdrawn.

Bail application stands disposed off accordingly.



(SAMAR VISHAL)

**Addl. Sessions Judge-08
West District, THC Delhi**

27.07.2020

**Bail application number 1303
FIR No.774/2019
Police Station :Nangloi
State Vs.Salman @ Rijwan
U/s 326/307/506 IPC**

27.07.2020

**The Court of undersigned is having duty today as per Circular /
Duty Roster No. 403/9004-9086/Misc/Gaz/DJ West/2020 dated
15.07.2020.**

Present : Sh. Santosh Kumar Singh, learned Additional Public
Prosecutor for State.
Sh. Dhan Bhadur Yadav learned counsel for applicant /
accused.

This is an application for grant of interim bail to the applicant /
accused Salman @ Rijwan.

It is submitted by learned counsel for accused/applicant that he
does not want to press the bail application and wants to withdraw the
same.

In view of submission, the bail application of accused Salman @
Rijwan is dismissed as withdrawn.

Bail application stands disposed off accordingly.


(SAMAR VISHAL)
Addl. Sessions Judge-08
West District, THC Delhi
27.07.2020

**FIR No.103/2020
Police Station :Nangloi
State Vs.Kamal
U/s 364A/387/506/120B/34 IPC**

27.07.2020

**The Court of undersigned is having duty today as per Circular /
Duty Roster No. 403/9004-9086/Misc/Gaz/DJ West/2020 dated
15.07.2020.**

Present : Sh. Santosh Kumar Singh, learned Additional Public
Prosecutor for State.

Reply to the bail application of applicant / accused received from
the investigating officer.

Learned counsel for applicant telephonically contacted, who
sought adjournment as he is out of station.

At request put up for consideration on **06.08.2020**.


(SAMAR VISHAL)
Addl. Sessions Judge-08
West District, THC Delhi
27.07.2020

**Bail applicant no. 1414
FIR No. 142/20
Police Station : Punjabi Bagh
State Vs. Bunty
U/s 365/394/34 IPC**

27.07.2020

The Court of undersigned is having duty today as per Circular / Duty Roster no. /Misc./Gaz./DJ/West/2020 dated 15.07.2020.

Present: Sh. Santosh Kumar, learned Additional Public Prosecutor
for State.

Shri Rajan Bhatia, Ld. LAC for accused/applicant.

This is an application for grant of interim bail to accused Bunty on the ground that accused is having unbearable pain in the bones of his right shoulder and spinal cord. Further, recently has undergone a surgery of back bone on 05.04.2020 in Safdarjung Hospital and now he has been advised surgery of right shoulder in Deen Dayal Hospital. It is further stated that since the condition of accused is very critical and he can be infected from Covid-19 in jail, he may be granted interim bail.

Ld. Additional Public Prosecutor has opposed the bail application stating that the allegations against the accused are grave.

As per medical status report of accused/ application which was called from the Jail Superintendent, accused has been given fitness for surgery of fracture of humerus of right arm from DDU hospital. As per report, the general condition and vitals of the accused/applicant are stable and satisfactory and accused is being provided all the prescribed medicines from jail hospital.



Keeping in view the fact that as per medical report of accused/applicant, his medical condition is satisfactory and he is being provided necessary treatment in the jail hospital itself, I do not deem it fit to release accused on interim bail, at this stage. Hence, the bail application of accused Bunty stands dismissed.

Application stands disposed off accordingly.

As prayed, copy of order be given Dasti.



(SAMAR VISHAL)

**Addl. Sessions Judge-08
West District, THC Delhi**

27.07.2020

27.07.2020

The Court of undersigned is having duty today as per Circular / Duty Roster no. /Misc./Gaz./DJ/West/2020 dated 15.07.2020.

Present: Sh. Santosh Kumar, learned Additional Public Prosecutor
for State.

SI Manoj Kumar.

Ms. Archana Verma, Ld. Counsel for accused/applicant.

This is an application for grant of interim bail to accused/applicant Subhash on the ground that applicant has to arrange money for paying fees of his daughter, who is studying and there is nobody to support his family.

Ld. Counsel for accused/applicant submits that this is first application for grant of interim bail to accused and co-accused has been granted 45 days interim bail on 20.06.2019. It is prayed that may also be granted interim bail.

Ld. Additional Public Prosecutor has opposed the bail application stating that the allegations against the accused/applicant are quite grave.

IO has also opposed the bail of accused stating that five bail applications of accused have already been dismissed.

Perusal of record shows that this is the sixth bail application of accused and earlier five bail applications were dismissed on 24.05.2019, 06.07.2019, 09.08.2019 and 24.09.2019.

As per record, co-accused was granted interim bail on medical ground, however no such ground exists in the present application. The allegations against



the accused/applicant are serious and he has cheated number of persons on the pretext of getting them government job. Due to gravity of offence, the applicant/accused was denied bail five times earlier and no new ground is raised this time also to grant interim bail to accused/applicant.

Keeping in view the afore-discussed facts and circumstances, I do not deem it fit to admit accused on interim bail. Hence, the bail application of accused/applicant Subhash stands dismissed.

Application stands disposed off accordingly.

At request, copy of order be given Dasti.



(SAMAR VISHAL)
Addl. Sessions Judge-08
West District, THC Delhi
27.07.2020