

BAIL APPLICATION

**FIR No. : 0125/2020
PS: Sadar Bazar
STATE v. Mohd. Furkan@ Kajal
U/S: 376,506 IPC**

25.06.2020.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the State
through VC.
Sh. Anil Kumar Sharma, Ld. Counsel for applicant
through VC.

Neither the victim nor the IO is present.

Let fresh notice be issued to victim through IO at
the time of further arguments on the present application through
electronic mode.

IO is directed to provide all the necessary
assistance and guidance to victim to address arguments through
electronic mode.

Further, IO is also to join through electronic mode
only on next date of hearing.

Put up on 30.06.2020.

**(Naveen Kumar Kashyap)
ASJ-04/Central/THC
25.06.2020**

BAIL APPLICATION

**FIR No. : 143/2020
PS: Kotwali
STATE v. Boby
U/S: 394,397,34 IPC**

25.06.2020.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the State
through VC.
Sh. Lalit Kumar, Ld. Counsel for applicant
through VC.

Further, report not filed by IO as to role of the present applicant and whether TIP has been carried out or not as pointed out by learned Court vide order dated 18.06.2020.

As such, put up for further reply by the IO including on these aspects on 30.06.2020.

**(Naveen Kumar Kashyap)
ASJ-04/Central/THC
25.06.2020**

BAIL APPLICATION

FIR No. : 425/2019
PS: Kotwali
STATE v. Akhlaaq @ Guddu
U/S: 392,411, 34 IPC

25.06.2020.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the State
through VC.
Sh. Anil Kumar Sharma, Ld. Counsel for applicant
through VC.

Reply filed by IO to this regular bail application. But at this stage, it is stated by learned counsel for accused that he is pressing only for extension of interim bail which was granted on 21.05.2020 for 45 days. As such, let copy of such order dated 21.05.2020 be filed by counsel for accused.

Further, Ahlmad is directed to collect the same from filing counter and place a copy thereof in this application by next date of hearing.

Put up on 30.06.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
25.06.2020

BAIL APPLICATION

**FIR No. : 204/2019
PS: Sadar Bazar
STATE v. Md. Imran
U/S: 304, 34 IPC**

25.06.2020.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the State
through VC.
Sh. K.B. Shanker, Ld. Counsel for applicant through
VC.

Part submissions heard.

Reply not filed.

**Put up for filing of reply, arguments and
appropriate orders on 30.06.2020.**

Further, let chargesheet be called from the court of
learned CMM, Central where this case is pending at present.

**(Naveen Kumar Kashyap)
ASJ-04/Central/THC
25.06.2020**

BAIL APPLICATION

**FIR No. : 316/2019
PS: Pahar Ganj
STATE v. Farooq Dandoo
U/S: 420,376,354,506,174A, 34 IPC**

25.06.2020.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the State
through VC.
Sh. Rajiv Sirohi, Ld. Counsel for applicant through
VC.

A reply is filed by the IO in physical form.

Let copy of the same be supplied to accused side
through Whatsapp. Naib Court is directed to do the needful
accordingly on the phone no. 9810902238.

**Further, IO is directed to file further reply
regarding medical condition of accused/applicant no. 2 Ali
Dandoo by next date of hearing.**

Put up on 29.06.2020 through VC.

**(Naveen Kumar Kashyap)
ASJ-04/Central/THC
25.06.2020**

BAIL APPLICATION

FIR No. : 23/2019

PS: Kotwali

STATE v. Sonu @Shankar@ Vivek

U/S: 392,394,411, 34 IPC

25.06.2020.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the State
through VC.
Sh. Nitish Kumar, Ld. Counsel for applicant through
VC.

In the main bail application, it is filed for regular bail
but it is stated that he is actually seeking only interim bail.

**As such, put up for reply, arguments and
appropriate orders on interim bail aspect with file on
29.06.2020.**

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
25.06.2020

BAIL APPLICATION

**FIR No. : 20/2016
PS: Crime Branch
STATE v. Sunny
U/S: 364A,395,342,420,468,471, 120 B IPC**

25.06.2020.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the State
through VC.
Sh. V.C. Gautam, Ld. Counsel for applicant
through VC.

Reply filed by IO.

During arguments, it is stated that accused is having throat pain but Jail authority is not providing appropriate medical facility. As such, before proceedings further, let reply regarding medical condition of the accused, if any, be called from Jail Superintendent concerned.

As such, issue notice to Jail Superintendent concerned accordingly for 30.06.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
25.06.2020

ANTICIPATORY BAIL APPLICATION

**FIR No. : Not Known
PS: Nabi Karim
STATE v. Mohd. Istekhar & Ors.
U/S: Not Known**

25.06.2020.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the State through VC.
Complainant in person with counsel Sh. Kalu Singh.
Sh. Muntazir Mehdi, learned counsel for all five accused.

Part arguments heard in detail. But it appears that in reply dated 19.06.2020, it is stated by SI Beant Kumar that concerned police officer SI Ravi Kumar is Corona positive and enquiry is still pending.

As such, put up for further reply/arguments and appropriate orders on 29.06.2020.

**(Naveen Kumar Kashyap)
ASJ-04/Central/THC
25.06.2020**

BAIL APPLICATION

FIR No. : 58/2016

PS: Burari

STATE v. Anil

U/S: 302,34 IPC

25.06.2020.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the State
through VC.
Sh. Ashwani Saxena, Ld. Counsel for applicant
through VC.

Report filed by Jail Superintendent.

As per such report, conduct of accused is good/satisfactory but today again report not filed by the IO. This is 3rd time that report is not filed by IO. As such, issue show cause notice to IO as to why such report is not filed.

Further, a copy of this order be sent to DCP concerned for his information and necessary action against the IO.

Put up on 29.06.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
25.06.2020

ANTICIPATORY BAIL APPLICATION

**FIR No. : Not Known
PS: Sadar Bazar
STATE v. Rohit**

25.06.2020.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the State through VC.
Sh. Anil Kumar, Ld. Counsel for applicant through VC.
Accused Rohit in person.

Further, Simran is also present in person. She submits that she is above 20 years. It is further stated that she is married with such Rohit on her free will and her parents have filed criminal complaint against him relating to which police officials are harassing them.

At request, put up for reply, arguments and appropriate orders on this anticipatory bail application on 01.07.2020.

In the meanwhile, IO is directed not to take any coercive action against Rohit till next date of hearing regarding present complaint only.

A copy of this order be sent to IO/SHO concerned.

Copy of this order be given to counsel through electronic mode.

**(Naveen Kumar Kashyap)
ASJ-04/Central/THC
25.06.2020**

BAIL APPLICATION

FIR No. : 20/2020

PS: Nabi Karim

STATE v. Rakesh @ Tinda

U/S: 324,307, 34 IPC

25.06.2020.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the State
through VC.
Sh. Anil Kumar, Ld. Counsel for applicant through
VC.

Fresh bail application filed.

At request, put up for reply, arguments and
appropriate orders on 01.07.2020.

(Naveep Kumar Kashyap)
ASJ-04/Central/THC
25.06.2020

BAIL APPLICATION

FIR No. : 213/2018
PS: Lahori Gate
STATE v. Shail
U/S: 395,412,120B, 34 IPC

25.06.2020.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the State
through VC.
Sh. Virender Tyagi, Ld. Counsel for applicant
through VC.

It is pointed out that name of the accused is wrongly mentioned as "SHAIL" due to typographical mistake and actual name of the accused is "SAHIL".

It is further stated that although present application is filed for regular bail but at present he is seeking interim bail only based on criteria of Hon'ble High Court or otherwise on merit.

Heard.

Let reply be filed by IO including verification/ comments regarding medical condition of the mother of the accused.

Put up on 29.06.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
25.06.2020

BAIL APPLICATION

**FIR No. : 48/2015
PS: Nabi Karim
STATE v. Ajay @ Nathu
U/S: 186,353,333,307,201,75,34 IPC**

25.06.2020.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the State
through VC.
Sh. Deepak Sharma, Ld. Counsel for applicant
through VC.

A response is filed by Jail Superintendent concerned stating that he needs two days' time to file detailed medical report regarding the present accused.

Heard. Allowed.

In the interest of justice, let detailed medical report/status of accused be filed by Jail Superintendent concerned by next date of hearing.

**Issue fresh notice to him accordingly for
29.06.2020.**

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
25.06.2020

BAIL APPLICATION

**FIR No. : 142/2017
PS: Lahori Gate
STATE v. Shakeel
U/S: 395,397,412,34 IPC & 25 Arms Act**

25.06.2020.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the State
through VC.
Sh. A.A. Qureshi, Ld. Counsel for applicant
through VC.

Reply not filed by IO.

As such, issue show cause notice to IO as to why
such reply is not filed.

In the meanwhile, put up with file on next date of
hearing.

**Further, Ahlmad is directed to collect order of
interim bail granted to two co-accused vide order dated
15.06.2020 and 02.06.2020 from filing counter and place a
copy thereof in this application by next date of hearing.**

**Put up for further reply, arguments and
appropriate orders on 30.06.2020.**

**(Naveen Kumar/Kashyap)
ASJ-04/Central/THC
25.06.2020**

:1 :

BAIL APPLICATION

**FIR No. : 190/2013
PS: Rajinder Nagar
STATE v. Deepak
U/S: 302,394,411, 34 IPC**

25.06.2020.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the State
through VC.
Sh. S.K. Sharma, Ld. Counsel for applicant
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.*

2. Report already filed by IO.

3. Submissions heard through electronic mode.

4. Further (in view of direction by Hon'ble HC), **Jail**

Superintendent concerned to file:

(i) Copy of **custody warrant** of present accused;

(ii) A **certificate regarding good conduct**, if any, of the accused during his custody period so far.

5. As such, issue notice to Jail Superintendent

FIR No. : 190/2013, PS: Rajinder Nagar, STATE v. Deepak, U/S: 302,394,411, 34 IPC

:2 :

accordingly.

6. Counsel for accused is advised to collect the order online through electronic mode.
7. Put up for report, arguments and further appropriate orders on 30.06.2020 through VC.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
25.06.2020

: 1 :

BAIL APPLICATION

FIR No. : 79/2018
PS: Kotwali
STATE v. Bhola
U/S: 328,379,411, 34 IPC

25.06.2020.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the State through VC
Sh. Vinay Kumar, Ld. Counsel for applicant through VC.

1. An application dated 24.06.2020 for extension of interim bail is filed by accused through counsel.

2. Arguments heard.

3. At this stage, it is noted that Hon'ble High Court of Delhi in its Division Bench order dated 22.06.2020 in W.P.(C) 3080/2020 titled as "Court on its own motion v. Govt. of NCT of Delhi & Anr., stated that " Accordingly, it is ordered that the interim bails for a period of 45 days granted to 2651 UTPs, in view of the recommendations of HPC dated 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020, 18.05.2020 and 20.06.2020 and on the basis of orders in WP(C) No. 2945/2020 titled as "Shobha Gupta & Ors. v. Union of India & Ors." are hereby extended by another period of 45 days from the date of their respective expiry of interim bails on the same terms and conditions."

4. In the present case, the present accused was granted interim bail vide order dated 20.05.2020. Further, on perusal of such order, it is clear that same was granted in view of recommendation of High Power Committee, as mentioned above in this judgment.

5. In view of such order dated 22.06.2020 by Hon'ble

FIR No. : 79/2018, PS: Kotwali, STATE v. Bhola, U/S: 328,379,411, 34 IPC

: 2 :

High Court, there is no need to pass any specific order in the present application for extension. Same is disposed off accordingly.

6. Copy of this order be given to learned counsel for applicant dasti or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
25.06.2020

BAIL APPLICATION

**State Vs Arshad
FIR No. 34387/2017
PS: Sarai Rohilla
U/s: 392,397,34 IPC**

25.06.2020

Present: Mr. Pawan Kumar, Learned Substitute Addl. PP for the State through VC.
Mr. Ragib Gayyur, learned counsel for the applicant / accused through VC.

1. Vide this order, the regular bail application under section 439 Cr.P.C. on behalf of accused Arshad filed through counsel is disposed of.
2. I have heard both the sides and have gone through the record.
3. The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty ,but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The

basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

4. Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial, but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of

the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

5. But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

6. Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

7. At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745**).

8. Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

9. Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

10. In this case, it is stated that he is falsely implicated in the present case. That he is in JC for the last about 2 ½ years. That initially an FIR u/s 379 IPC was registered and later on Section 392 and 397 IPC were added by falsely showing pistol. That there is no recovery in the present case. That there is no CCTV footage. That on bare perusal of the statement of complaint it is clear that he has not even identified the present accused. That main accused Rahim Chaudhary is already granted regular bail. Further, another accused Furkan is granted interim bail. That public witnesses are already examined as such, there is no question of tampering with evidence or threatening the witness anymore. It is further stated that trial is likely to take some time. It is further stated that there is a spread of pandemic i.e. corona virus which is even spreading inside the jail. That he is the sole bread winner of the family. As such, it is prayed that he be granted regular bail.

11. On the other hand, in reply dated 22.06.2020 filed by IO/SHO concerned. Further, it is argued on behalf of the prosecution that efforts were made to trace the case property and fire arms used in the commission of offence but same could not be traced. That offence is serious in nature and committed in a planned manner. That present accused is involved in several other cases of

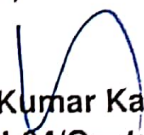
robbery. As such, present bail application is opposed.

12. On perusal of the case file, it is revealed that although earlier bail application of the accused as well as of co-accused was rejected but thereafter, it is observed that at the time of granting bail to the co-accused Rahim Chaudhary, that there is change in circumstances as thereafter complainant PW-2 Tarun was examined and he did not supported the prosecution and could not identify the accused persons in court. Further, most of the witnesses are yet to be examined and trial is likely to take time. Further, due to present pandemic condition, evidence matter are likely to take some more time. Further, most of the remaining witnesses are police officials only, as such, no purpose would be served by keeping the present accused in JC. Under these circumstances, the present accused is granted bail i.e. on his furnishing a personal bond and two surety bonds in the sum of Rs. 15,000/- each to the satisfaction of the Court, subject to the following conditions:

i) The applicant will regularly appear on each and every date of hearing as may be fixed by the learned Trial Court;

ii) The applicant shall keep the Investigating Officer informed about his whereabouts every Monday through SMS or telephone. In case, he is not able to do so, then only he is directed to physical mark his attendance before the IO/SHO concerned in the alternative.

13. Learned counsel for the applicant / accused is at liberty to collect the order dasti or through electronic mode. Copy of order be uploaded on the website.


(Naveen Kumar Kashyap)
ASJ-04/Central/THC
25.06.2020

: 1 :

BAIL APPLICATION

**FIR No.: 34387/2017
State Vs Harun
PS: Sarai Rohilla
U/S: 392,397,34 IPC**

25.06.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for the State through VC.
Mr. Ragib Gayyur, learned counsel for the applicant / accused through VC.

1. Vide this order, the regular bail application under section 439 Cr.P.C. on behalf of accused Harun filed through counsel is disposed of.
2. I have heard both the sides and have gone through the record.
3. The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty ,but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The

FIR No.: 34387/2017, State Vs Harun, PS: Sarai Rohilla, U/S: 392,397,34 IPC

basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

4. Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial, but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of

the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

5. But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

6. Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

7. At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745**).

8. Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

9. Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

10. In this case, it is stated that he is falsely implicated in the present case. That he is in JC for the last about 2 ½ years. That initially an FIR u/s 379 IPC was registered and later on Section 392 and 397 IPC were added by falsely showing pistol. That there is no recovery in the present case. That there is no CCTV footage. That on bare perusal of the statement of complaint it is clear that he has not even identified the present accused. That main accused Rahim Chaudhary is already granted regular bail. Further, another accused Furkan is granted interim bail. That public witnesses are already examined as such, there is no question of tampering with evidence or threatening the witness anymore. It is further stated that trial is likely to take some time. That mother of the accused is serious and affected by various old aged ailments. That there is no other male member to look after her. It is further stated that there is a spread of pandemic i.e. corona virus which is even spreading inside the jail. That he is the sole bread winner of the family. As such, it is prayed that he be granted regular bail.

On the other hand, in reply dated 22.06.2020 filed by IO/SHO concerned. Further, it is argued on behalf of the prosecution that efforts were made to trace the case property and fire arms used in the commission of offence but same could not be traced. That offence is serious in nature and committed in

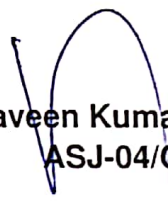
a planned manner. That present accused is involved in several other cases of robbery. As such, present bail application is opposed.

11. On perusal of the case file, it is revealed that although earlier bail application of the accused as well as of co-accused was rejected but thereafter, it is observed that at the time of granting bail to the co-accused Rahim Chaudhary, that there is change in circumstances as thereafter complainant PW-2 Tarun was examined and he did not supported the prosecution and could not identify the accused persons in court. Further, most of the witnesses are yet to be examined and trial is likely to take time. Further, due to present pandemic condition, evidence matter are likely to take some more time. Further, most of the remaining witnesses are police officials only, as such, no purpose would be served by keeping the present accused in JC. Under these circumstances, the present accused is granted bail i.e. on his furnishing a personal bond and two surety bonds in the sum of Rs. 15,000/- each to the satisfaction of the Court, subject to the following conditions:

i) The applicant will regularly appear on each and every date of hearing as may be fixed by the learned Trial Court;

ii) The applicant shall keep the Investigating Officer informed about his whereabouts every Monday through SMS or telephone. In case, he is not able to do so, then only he is directed to physical mark his attendance before the IO/SHO concerned in the alternative.

12. Learned counsel for the applicant / accused is at liberty to collect the order dasti or through electronic mode. Copy of order be uploaded on the website.


(Naveen Kumar Kashyap)
ASJ-04/Central/THC
25.06.2020

ANTICIPATORY BAIL APPLICATION

FIR No.: 227/2020

PS: Kotwali

State v. Ravinder

U/S: 376,506 IPC

25.06.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Sh. Sharad Malhotra, Learned counsel for applicant / accused
Complainant/victim 'S' in person.

1. Vide this order, present bail application u/s 438 Cr.PC filed on 09.06.2020 for anticipatory bail by accused/applicant Ravinder is disposed of.
2. In nutshell, it is stated by the accused side that present FIR is falsely registered against the accused. That it is further stated in the application that he never developed any physical relationship with the complainant. That present complaint is filed in order to blackmail the accused and extort money from him. That accused is a young boy having bright future. That as per the complainant, there was love relationship for the last four years and complainant was a consenting party in the physical relationship, therefore it is claimed that no offence under section 376 IPC is made out. That victim/complainant is a major girl and mature enough to know the outcome of her conduct and she cannot be induced against her will. That complainant is much older than the applicant. Further, certain case also relied in support of the present application. It is claimed that mere breach of promise to marriage cannot be termed as 'rape'. It is further stated that no recovery could be made from accused.
3. On the other hand, it is argued on behalf of the state that there are specific and serious allegations against the accused. That accused and victim

FIR No.: 227/2020, PS: Kotwali, State v. Ravinder, U/S: 376, 506 IPC



developed friendly relationship. That accused called her at his shop on 15.01.2018 at 10 am and on promise of marriage, he physically assaulted her. He further made video of her private parts when she tried to resist but accused said that he will marry her. Thereafter, he continued to have physical relations with her on the pretext of marriage. When she resisted, then accused threatened her to make viral of said video. Ultimately, accused refused to marry her. As such, present case is filed. It is further stated that even 164 Cr.P.C. statement of victim is recorded in which she supported her version/complaint. Further, as per CDR, both victim and accused were on regular contact over phone. It is further stated that such accused is not living at the address given in the bail application. That raid are conducted at the house of accused at Mukund Pur, but he could not be found. That he did not join the investigation. That his custodial investigation is required to recover the phone, from which the obscene video of complainant was made. That investigation is at initial stage.

4. Further, it is stated by the victim that accused has ruined her life. She strongly opposed this present bail application.

5. I have heard both the sides and gone through the record.

6. The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty ,but also envisages a fair

procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

7. But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

8. Prima facie there is material on record that victim and accused were on regular touch with each other, including through mobile phone. Further, prima facie, as per record and investigation done so far, the accused made physical relationship with the victim without her informed consent and under the misrepresentation of promise to marry. Further, prima facie it appears that he made relationship later on by black-mailing the victim. Therefore, this court finds merit in the argument of the prosecution that offence is serious in nature and custodial interrogation of the accused is required including to recover the mobile phone from which the obscene video was made by the accused. Further, even the address given in the application of the accused was found not correct. Further, whether it is a case of pre-consent and breach of promise to marry or otherwise is

: 4 :

matter of investigation which is at the initial stage. Under these circumstances having regard to the nature of allegations and material on record, this court is not inclined to grant anticipatory bail to the applicant as prayed for. With these observations present application is dismissed.

9. Copy of this order be given to counsel for accused through electronic mode.

(NAVEEN KUMAR KASHYAP)
ASJ-04(Central/Delhi)
25.06.2020

BAIL APPLICATION

FIR No. 182/2017

PS.: Kamla Market

State v. Juber

U/s: 395,397,412,34 IPC & 25,29 Arms Act

25.06.2020

Present: Sh. Pawan Kumar, Ld. Addl. PP for the State through VC.
Sh. Ajay Kumar, Ld. 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 Motu 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. Arguments heard.
3. The present application is moved for regular bail and in the alternative interim bail. But during arguments only interim bail is pressed by learned counsel for accused. It is stated in the application that he is in JC since 03.08.2017. That co-accused, Javed, Govind, Arsalan, Raja have been granted interim bail. It is further stated that main accused Arsalan Ali is also released on interim bail by Hon'ble High Court. Further, co-accused Bilal is already granted regular bail. It is further stated that he is a young boy of 19 years and is studying in 12th class. That there is a risk of

corona virus infection which is even spreading in jail. That he is falsely implicated in the present case. That no purpose would be served by keeping him in custody when no effective hearing is being held. That he has roots in society and has no other criminal background.

4. On the other hand, interim bail application is opposed. It is stated that offence is heinous in nature and not covered in the guidelines issued by Hon'ble High Court of Delhi as mentioned above. It is further stated that he is not involved in any other case.

5. It is also the directions by Hon'ble High court that in any case bail application, including interim bail application, are to be decided on merit in any case.

6. Further, copy of interim bail of the abovementioned accused are filed in the court. As such, in view of the submissions made in the present case including that co-accused are granted interim bail and that trial is likely to take some time and there is no other involvement of the present applicant/accused is admitted to interim bail for a period of 45 days from the date of release on furnishing personal bond and surety bond **in the sum of Rs. 15,000/- each to the satisfaction of the court.** After completion of the interim bail period applicant shall surrender before concerned Jail Superintendent. Necessary intimation be sent to concerned Jail Superintendent accordingly.

6.1 In the facts and circumstances of present case and the reply filed by the IO/SHO following conditions are also imposed on present accused for such interim bail :

- i) applicant shall not flee from the justice;
- ii) applicant shall not tamper with the evidence;
- iii) applicant shall not threaten or contact in any manner to the prosecution witnesses ,

: 3 :

- iv) applicant shall not leave country without permission;
- v) applicant shall convey any change of address immediately to the IO and the court;
- vi) applicant shall also provide his/her mobile number to the IO;
- vii) applicant shall mark his /her attendance before concerned IO (and if IO is not available then to concerned SHO) every alternative /second day through mobile by sharing his/her location with the SHO concerned;
- viii) applicant shall further make a call, preferably by audio plus video mode to concerned IO, (and if IO is not available then to concerned SHO) once a week, preferably on Monday between 10 a.m. to 5 p.m.
- ix) Applicant shall keep her such mobile number 'Switched On' at all the time , particularly between 8 am to 8 pm everyday.

7. The present application stands disposed off accordingly. Both side are at liberty to collect the order dasti or through electronic mode. **Further a copy of this order be sent Jail Superintendent concerned.**

(Naveen Kumar Kashyap)
ASJ-04(Central)Delhi
25.06.2020

: 1 :

BAIL APPLICATION

State v. Yadvender @ Guddu Yadav
FIR No. 130/2014
PS.: Kamla Market
U/s: 419,420,365,392,395,412,120B,34 IPC

25.06.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State
through VC.
Mr. B.K. Singh, 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, 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. Arguments heard.

3. It is submitted on behalf of accused regarding the present interim application that wife of the applicant is not well and she is not able to go to hospital without help. That he has two minor children. That he was granted interim bail twice earlier in the present case and he duly surrendered after availing the same. That he is in JC for the last 6 years. That he is permanent resident of Bullandshahar, U.P. That prosecution witnesses are already examined and case is at Defence evidence, as such there is no possibility of threatening the witnesses or tampering with the

State v. Yadvender @ Guddu Yadav, FIR No. 130/2014, PS.: Kamla Market, U/s: 419,420,365,392,395,412,120B,34 IPC

: 2 :

evidence. That co-accused are already granted bail. That there is no previous criminal record of the present accused.

4. On the other hand, interim bail application is opposed. Further reply has been filed by the IO. It is stated that offence is heinous in nature. But it is affirmed that there is no previous conviction record of the present accused.

5. It is a matter of record that co-accused Raj Bahadur was granted interim bail. Further, as per record of Jail Superintendent present accused was granted interim bail twice and he surrendered in time after availing the same. It is further stated by Jail Superintendent that his conduct is satisfactory for the last one year. Further, IO has reported that as per record, there is no other criminal involvement of the present accused. Further, prosecution evidence is already over. But due to present pandemic condition, trial is likely to take some more time. Under these facts and circumstances, for the reasons stated in the present application, applicant/accused is admitted to interim bail for a period of 45 days from the date of release on furnishing personal bond and surety bond ***in the sum of Rs. 15,000/- each to the satisfaction of the court.*** After completion of the interim bail period applicant shall surrender before concerned Jail Superintendent. Necessary intimation be sent to concerned Jail Superintendent accordingly.

5.1. In the facts and circumstances of present case and the reply filed by the IO/SHO following conditions are also imposed on present accused for such interim bail :

- i) applicant shall not flee from the justice;*
- ii) applicant shall not tamper with the evidence;*
- iii) applicant shall not threaten or contact in any manner to the prosecution witnesses ,*

State v. Yadvender @ Guddu Yadav, FIR No. 130/2014, PS.: Kamlia Market, U/s: 419,420,365,392,395,412,120B,34 IPC

: 3 :

iv) applicant shall not leave country without permission;

v) applicant shall convey any change of address immediately to the IO and the court;

vi) applicant shall also provide his/her mobile number to the IO;

vii) applicant shall mark his /her attendance before concerned IO (and if IO is not available then to concerned SHO) every alternative /second day through mobile by sharing his/her location with the SHO concerned;

viii) applicant shall further make a call, preferably by audio plus video mode to concerned IO, (and if IO is not available then to concerned SHO) once a week, preferably on Monday between 10 a.m. to 5 p.m.

ix) Applicant shall keep his / her such mobile number 'Switched On' at all the time , particularly between 8 am to 8 pm everyday.

6. The present application stands disposed off accordingly. Both side are at liberty to collect the order dasti or through electronic mode. **Further a copy of this order be sent to the IO/SHO concerned by electronic mode.**

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
25.06.2020

: 1 :

BAIL APPLICATION

**State v. Ajay
FIR No. 264/2015
PS.: Subzi Mandi
U/s: 393,397,302 IPC**

25.06.2020

Present: Mr. Pawan Kumar Learned Addl. PP for State through VC.
Mr. Jabbar Hussain, learned counsel for the applicant / accused through V.C.

1. Vide this order present interim bail application on merit dated 08.06.2020 is disposed off.

2. It is stated in such application that he is in JC since June, 2015. More than 25 witnesses are examined. That his mother expired six years ago and the father has left the house after the death of the mother and his whereabouts are not known. That he has one brother and two married sisters. That his unmarried brother is suffering from HIV since December, 2008 and is confined to bed since long. That two married sisters are living separately in their matrimonial homes. That on 04.09.2018, younger brother of the accused fell down from stairs and sustained grievous injuries on his body. His right wrist is broken. That earlier he was granted interim bail vide order dated 01.01.2018 and he duly surrendered after availing the same. As such, it is prayed that he be granted interim bail for 90 days.

3. On the other hand, it is stated by the learned Addl.PP for the state, based on reply filed by the IO / SHO, that crime is serious in nature including under section 302 IPC apart from other offences; that he does not fall under the criteria of Hon'ble High Court dated 18/05/2020 as, as per the report of Jail Superintendent

State v. Ajay, FIR No. 264/2015, PS.: Subzi Mandi, U/s: 393,397,302 IPC

there is a punishment of keeping tobacco at court lock-up about three years ago on 20.02.2017. As such, his conduct is reported as unsatisfactory. As such, present bail application is opposed.

4. The medical condition of the brother is not disputed and in fact verified in the report filed by IO. In fact he is getting treatment from government hospital Lok Nayak Hospital. Further, his family background/status is also reconfirmed by IO. It is further stated in the reply by IO that no previous involvement of the present accused is found. Further, except for a punishment way-back in 20.02.2017, the case of the accused falls under the relaxed criteria of interim bail of Hon'ble High court dated 18.05.2020. It may be further added that recently Hon'ble High Court in a similar situation held that such punishments for such petty matters/keeping tobacco should not come in the way of letter and spirit of order dated 18.05.2020. Not only this, such punishments is more than three years old and no fresh mis-conduct matter is reported against the present accused. Further, his interim bail from 03.11.2018 to 12.11.2018 and thereafter he surrendered in Jail is also reconfirmed by Jail Superintendent concerned.

5. As such, in the above position, facts and circumstances of present case and the directions by Hon'ble High Court, applicant/accused is admitted to interim bail for a period of 45 days from the date of release on furnishing personal bond and surety bond ***in the sum of Rs. 10,000/- each to the satisfaction of the court.*** After completion of the interim bail period applicant shall surrender before concerned Jail Superintendent. Necessary intimation be sent to concerned Jail Superintendent accordingly.

5.1. In the facts and circumstances of present case and the reply filed by the IO/SHO following conditions are also imposed on present accused for such interim bail :

: 3 :

- i) applicant shall not flee from the justice;
- ii) applicant shall not tamper with the evidence;
- iii) applicant shall not threaten or contact in any manner to the prosecution witnesses ,
- iv) applicant shall not leave country without permission;
- v) applicant shall convey any change of address immediately to the IO and the court;
- vi) applicant shall also provide his/her mobile number to the IO;
- vii) applicant shall mark his /her attendance before concerned IO (and if IO is not available then to concerned SHO) every alternative /second day through mobile by sharing his/her location with the SHO concerned;
- viii) applicant shall further make a call, preferably by audio plus video mode to concerned IO, (and if IO is not available then to concerned SHO) once a week, preferably on Monday between 10 a.m. to 5 p.m.
- ix) Applicant shall keep her such mobile number 'Switched On' at all the time , particularly between 8 am to 8 pm everyday.

6. The present application stands disposed off accordingly. Both side are at liberty to collect the order dasti or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC/Delhi
25.06.2020

BAIL APPLICATION

**FIR No. :361/2019
PS: Kotwali
STATE v. Ankush
U/S: 392,34 IPC**

25.06.2020.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the State through VC.
Sh. Diwan Sehgal, Ld. Counsel for applicant through VC.

Reply filed by the IO.

Arguments in detail heard in present regular bail application.

Put up for order/clarifications, if any at 4 pm.

**(Naveen Kumar Kashyap)
ASJ-04/Central/THC
25.06.2020**

At 4 pm.

Copy of order on the various bail applications before Learned MM/Learned Sessions Court, which find mention in para-1, are not placed on record. As such, put up for further arguments/order on next date of hearing.

Notice be issued to IO to place on record copy of such order on earlier bail application by this accused. Further, accused is also at liberty to place such copy on record.

Put up on 30.06.2020.

**(Naveen Kumar Kashyap)
ASJ-04/Central/THC
25.06.2020**