

Bail Application No. 1213/20  
FIR No. 297/2018  
PS: Prasad Nagar  
U/s: 304/34 IPC  
State Vs. Neeraj @ Nonu

16.09.2020

**This is an application u/s 439 Cr.PC seeking regular bail moved on behalf of applicant /accused.**

Present: Sh. Balbir Singh, Id. Addl. PP for the State.

IO/ASI Pavinder Rohilla

Sh. Mahesh Yadav, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Part arguments on bail application heard. Reply perused.

During the course of arguments, counsel of applicant/accused has argued that the applicant is already on interim bail till 31.10.2020 in view of the directions issued by Three Judges Bench of Hon'ble Delhi High Court vide order dated 24.08.2020 in the matter of "COURT ON ITS OWN MOTION Vs. State & ANR." passed in WP (C) No. 3037/2020.

In view of aforesaid submissions made on behalf of accused, Id. Addl. PP has raised an objection as to the maintainability of present bail application seeking regular bail on the ground that applicant cannot seek regular bail without surrendering himself before the Jail Authority.

On request, the bail application is adjourned to 01.10.2020 for arguments on the issue of maintainability.

In the meantime, **TCR be called through robkar for next date.**



(Vidya Prakash)

Addl. Sessions Judge (Electricity)

Central District/ THC/Delhi

16.09.2020

**Bail Application No. 1215/20  
FIR No. 181/2019  
PS: Prasad Nagar  
U/s: 498A/406/34 IPC  
State Vs. Barun Kumar Dutta**

16.09.2020

**This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant /accused.**

Present: Sh. Balbir Singh, Id. Addl. PP for the State.  
IO/W/SI Pooja.  
Sh. Prashant Ghai, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Part arguments on bail application heard. Reply perused.

The present applicant is the husband of the complainant of this case. IO has informed that no notice u/s 41 A Cr.PC has been served upon the present applicant till date and she has not yet applied for grant of permission to arrest the present applicant so far.

Considering the facts of the case showing that present FIR is arising out of matrimonial dispute between the parties, **issue notice to the complainant through IO for next date.**

**IO is also bound down for next date.**

**In the meantime, no coercive measure be adopted against the present applicant till next date subject to the present applicant joining the investigation as and when required.**

Copy of order be given dasti to both the sides electronically, as per rules.

Put up on 06.10.2020 for further arguments on the bail application.



(Vidya Prakash)  
Addl. Sessions Judge (Electricity)  
Central District/ THC/Delhi  
16.09.2020

**Bail Application No.1211/2020**  
**FIR No.210/2020**  
**PS:Sarai Rohilla**  
**U/s: 353/307/186/34 IPC and 25/54/59 Arms Act**  
**State Vs. Shahrukh**

16.09.2020

**This is an application u/s 439 Cr.PC seeking regular bail moved on behalf of applicant /accused.**

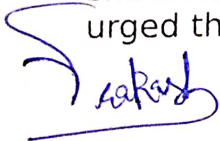
Present: Sh. Balbir Singh, Id. Addl. PP for the State.  
IO/SI Pushpendra Dahiya.  
Sh. Suraj Prakash Sharma, Advocate for applicant/  
accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Arguments on bail application heard. Reply perused.

After referring to the allegations appearing in the FIR, it is argued by Id. Counsel of applicant/ accused that he is totally innocent and has been falsely implicated in this case; he is having clean antecedents ; he is young boy aged about 22 years old ; he is not named in the FIR and nothing incriminating has been recovered either from his possession or at his instance. It is further argued that the present applicant is not visible even in the CCTV footage and he is not required for the purpose of investigation as charge-sheet has already been filed against him in this case. It is therefore, urged that he may be released on bail.



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**Bail Application No.1211/2020**  
**FIR No.210/2020**  
**PS:Sarai Rohilla**  
**U/s: 353/307/186/34 IPC and 25/54/59 Arms Act**  
**State Vs. Shahrukh**

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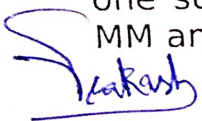
Per contra, Ld. Addl. PP has opposed the bail application on the ground that the the allegations against the applicant are grave and serious. It is argued that co-accused are still absconding and investigation qua them, is still going on in this case. Therefore, the bail application may be dismissed.

On query, IO has informed that the present applicant was involved in the pelting of stones in the incident in question. However, IO fairly concedes that the present applicant is neither visible in the CCTV footage of the incident in question nor any such piece of stone allegedly used by him, has been recovered at his instance. According to IO, the complainant has disclosed the name of present applicant in his supplementary statement and apart from that, there is no other incriminating evidence against him available on record.

The present applicant is shown to be a young boy having clean antecedents and is in custody since 11.06.2020. Chargesheet has already been filed in this case against him. Trial is not likely to be completed in near future on account of Pandemic situation due to Covid 19 and thus, no useful purpose shall be served by keeping him behind the jail.

After considering the overall facts and circumstances of the case including nature of offence charged against the present applicant/ accused and in the light of discussion made herein above, applicant/ accused namely Shahrukh is admitted to bail subject to furnishing personal bond in the sum of Rs.20,000/- with one surety in the like amount to the satisfaction of Duty MM/ Link MM and shall be subject to the following conditions:

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**Bail Application No.1211/2020**  
**FIR No.210/2020**  
**PS:Sarai Rohilla**  
**U/s: 353/307/186/34 IPC and 25/54/59 Arms Act**  
**State Vs. Shahrugh**

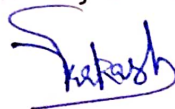
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1. During the period of bail, the accused/ applicant shall not try to contact or influence, directly or indirectly, either the victim or any other witness of the present case.
2. The accused shall not misuse the benefit of bail by indulging in commission of similar offences in future.
3. The applicant shall intimate the Court in case of change of his address.

With these directions, the present bail application stands disposed of accordingly.

Copy of this order be given dasti to both the sides electronically, as per rules.

Copy of this order be sent to Jail Superintendent through E-mail.



(Vidya Prakash)  
Addl. Sessions Judge (Electricity)  
Central District/ THC/Delhi  
16.09.2020

**Bail Application No. 1212/20**  
**FIR No. 425/19**  
**PS: Karol Bagh**  
**U/s: 385/307/120 B IPC & 25/27/54/59 Arms Act**  
**State Vs. Govind @ Golu**

16.09.2020

**This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant /accused.**

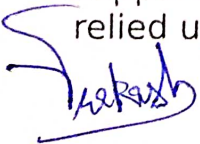
Present: Sh. Balbir Singh, Id. Addl. PP for the State.  
IO/SI Shri Narayan.  
Sh. Vikas Jain, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Arguments on bail application heard. Reply perused.

After referring to the allegations appearing in FIR, counsel of applicant/ accused has argued that the applicant is totally innocent and has been falsely implicated in this case; he is young boy and he is having clean antecedents. It is further argued that Section 307 IPC is not attracted in this case as firing was allegedly done towards door and wall and not against the complainant. It is further argued that the entire story of prosecution is based on falsehood and the present applicant is neither named in the FIR nor there is any incriminating evidence whatsoever available against him on record. It is further argued that present applicant has nothing to do with co-accused Mahesh @ Mannu or with any other co-accused including Atar Rehman @ Atwa. It is further argued that the present applicant is not required for custodial interrogation and he is very much willing to join the investigation if so required but since he apprehends his arrest in this case, he may be protected. In support of his arguments, Ld. counsel for applicant/accused has relied upon the following judgements :-



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**Bail Application No. 1212/20**  
**FIR No. 425/19**  
**PS: Karol Bagh**  
**U/s: 385/307/120 B IPC & 25/27/54/59 Arms Act**  
**State Vs. Govind @ Golu**

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1. Shanu & anr. Vs. State of NCT, Delhi 1996 JCC 501
2. Narender Kumar & Anr. Vs. State 1996 JCC 501
3. Parvez Akhtar Vs. State 2006 III AD (Crl.) (DHC) 697
4. V.K. Puri Vs. CBI, 2006 III AD (CRL) (DHC) 698
5. Om Parkash Vs. State 30 (1986) Delhi Law Times 311
6. State of Uttar Pradesh Vs. Abdul Wahid & Anr. 2001 (3) Crimes 183 (SC)
7. Laxman Mahadeo Sarpute Vs. State of Maharashtra 2001 (3) Crimes 183 (SC)
8. Paras Ram Vs. State of Himachal Pradesh 2001 (3) Crimes 184 SC
9. Miss Harsh Sawhney Vs. Union Territory (Chandigarh Admn.) AIR 1978 Supreme Court 1016 -1978 CRI. L.J 774

On the other hand, Ld. Addl. PP has opposed the bail application on the ground that the present applicant had played an active role in the commission of crime and was involved in the firing incident. It is further argued that the present applicant acted on the instructions of co-accused Atar Rehman @ Atwa being part of his gang and said co-accused was hired by co-accused Mahesh @ Mannu. It is further argued that present applicant alongwith co-accused persons including Bhanu Prasad, Govind @ Golu, Ashok Kumar Bichua etc. fired several rounds of bullets at the house of complainant in order to force him to pay hefty amount to them and they all attempted to commit his murder. It is further argued that the present applicant is absconding and is evading his arrest in this case. It is further argued that his custodial interrogation is required in order to recover the weapon of offence used by him in the commission of crime. Therefore, the present bail application may be dismissed.

contd.p/3

**Bail Application No. 1212/20**  
**FIR No. 425/19**  
**PS: Karol Bagh**  
**U/s: 385/307/120 B IPC & 25/27/54/59 Arms Act**  
**State Vs. Govind @ Golu**

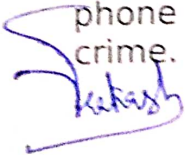
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In brief, it is alleged that complainant had constructed one building of real uncle of co-accused Mahesh @ Mannu and, that is why, the said co-accused was well aware of the fact that complainant is financially sound. For that reason, said co-accused made whatsapp call to the complainant on 26.11.2019 through unknown number and asked him to give Rs.50,000/- but complainant denied to pay the said amount. On 27.11.2019, said demand was again made through whatsapp call and the complainant was allegedly threatened to face the consequences for not paying money to them. It is alleged that on 28.11.2019, several rounds of bullets were fired at the house of the complainant through hired goons to extort money from complainant at the instance of co-accused Mahesh @ Mannu, who is inside the jail.

As per reply of IO, the analysis of CDRs revealed that present applicant was in touch with co-accused Attar Rehman and he is part of his gang. It is claimed that co-accused Mahesh @ Mannu had hired contract killers to extort money from the complainant as he himself was lodged inside the jail. IO has pointed out that the present applicant was not only involved in the reece of the house of the complainant but was also involved in the firing incident.

During the course of arguments, IO has informed that proclamation u/s 82 CrPC has already been issued against the present applicant and he is evading his arrest. The present applicant is alleged to be part of the criminal conspiracy hatched amongst the accused persons as he also arranged weapons to commit the crime and allegedly participated actively in the commission of crime. It is claimed by IO that analysis of CDRs of mobile of present applicant revealed that his location was in Karol Bagh area on the date and time of commission of alleged crime. For all these reasons, the Court is of the view that custodial interrogation of present applicant shall be required in this case in order to make efforts for recovery of weapon of offence, mobile phone and motor cycle allegedly used by him in the commission of crime.

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**Bail Application No. 1212/20**  
**FIR No. 425/19**  
**PS: Karol Bagh**  
**U/s: 385/307/120 B IPC & 25/27/54/59 Arms Act**  
**State Vs. Govind @ Golu**

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All the above noted authorities relied by counsel of applicant/accused are distinguishable on the basis of facts and circumstances of the present case. Moreover, it is well settled law that there cannot be any straight jacket formula which can be laid down for deciding the bail applications and each bail application has to be decided on the basis of facts and circumstances of each individual case.

After considering the overall facts and circumstances of the case including nature of allegations, gravity of offences and the role allegedly played by present applicant and in the light of discussion made hereinabove, Court is of the view that it is not a fit case for grant of pre-arrest bail to the applicant/accused. Consequently, the present bail application is dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)  
Addl. Sessions Judge (Electricity)  
Central District/ THC/Delhi  
16.09.2020

Bail Application No.967/2020  
(M.Appl. No.89/2020)  
FIR No.255/19  
PS:Prasad Nagar  
u/s 406/420/120 B IPC  
State Vs. Amresh Mishra

16.09.2020

**This is third application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant /accused.**

Present: Sh. Balbir Singh, Id. Addl. PP for the State.  
Sh. Gopal Sharma, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Additional reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

At the outset, counsel of applicant/accused seeks adjournment on the ground that petition bearing Criminal Misc. No. 1816/20 filed by present applicant before Hon'ble Delhi High Court against the order dismissing second anticipatory bail application of present applicant, is listed for hearing today before Hon'ble High Court.

In view of the aforesaid submissions made, request for adjournment is allowed and the present bail application is adjourned to 23.09.2020 for arguments on the issue of maintainability.



(Vidya Prakash)  
Addl. Sessions Judge (Electricity)  
Central District/ THC/Delhi  
16.09.2020

**Bail Application No. 1214/20**  
**FIR No. 119/2020**  
**PS: Hauz Qazi**  
**U/s: 457/380/34 IPC**  
**State Vs. Sonu Dubey**

16.09.2020

**This is an application u/s 439 Cr.PC seeking interim/regular bail moved on behalf of applicant /accused.**

Present: Sh. Balbir Singh, Id. Addl. PP for the State.  
IO/ASI Sunil.  
Sh. Rishab Pandey, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

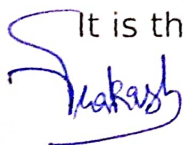
Arguments on bail application heard. Reply perused.

The applicant/accused has been charged with offences punishable u/s 457/380/34 IPC with the allegations that he alongwith co-accused persons committed criminal tresspass during night hours at the shop/premises of complainant and committed theft of valuable articles.

It is argued on behalf of applicant that he is innocent and has been falsely implicated in this case ; he is in custody w.e.f. 22.08.2020 and co-accused persons namely Ravi, Mohd. Sallan and Shyam Singh have already been granted bail by the Court of Ld. ACMM and therefore, present applicant also deserves to be released on bail on the ground of parity.

Per contra, the bail application is opposed by Ld. Addl. PP on the ground that the allegations against applicant are grave and serious and his finger prints matched with the chance print lifted at the spot. It is further argued that present applicant is also found in two more criminal cases which shows that he is a habitual offender. It is therefore, urged that the bail application may be dismissed.

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**Bail Application No. 1214/20**  
**FIR No. 119/2020**  
**PS: Hauz Qazi**  
**U/s: 457/380/34 IPC**  
**State Vs. Sonu Dubey**

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On query, IO has informed the Court that the co-accused Shyam Singh stands on exactly similar footing as that of present applicant as chance print lifted from spot, also matched with the finger prints of said co-accused. IO also informed that said co-accused is also previously involved in two more criminal cases including one murder case of PS I.P. Estate. That being so, I do not find any reason to deny the bail to present applicant, he being entitled to bail on the ground of parity. Moreover, the present applicant is shown to be in custody since 22.08.2020.

After considering the overall facts and circumstances of the case including nature of offences charged against the present applicant/ accused and in the light of discussion made herein above, applicant/ accused namely **Sonu Dubey** is admitted to bail subject to furnishing personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of Ld. MM/ Ld. Duty MM/ Ld. Link MM and shall be subject to the following conditions:

1. During the period of bail, the accused/ applicant shall not try to contact or influence, directly or indirectly, either the victim or any other witness of the present case.
2. The accused shall not misuse the benefit of bail by indulging in commission of similar offence in future.
3. The applicant shall join the investigation as and when directed to do so and
4. The applicant shall intimate the Court in case of change of his address.



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**Bail Application No. 1214/20**  
**FIR No. 119/2020**  
**PS: Hauz Qazi**  
**U/s: 457/380/34 IPC**  
**State Vs. Sonu Dubey**

**-3-**

The present bail application stands disposed of accordingly.

Copy of this order be given dasti to both the sides electronically, as per rules.

Attested copy of this order be sent to concerned Jail Superintendent on his official e-mail ID for being delivered to the applicant/ accused and for necessary compliance.



(Vidya Prakash)  
Addl. Sessions Judge (Electricity)  
Central District/ THC/Delhi  
16.09.2020

**Bail Application No. 1216/20**  
**FIR No. 425/2019**  
**PS: Karol Bagh**  
**U/s: 385/307/120B/34 IPC & 25/27/54/59 Arms Act**  
**State Vs. Rahul @ Dadu**

16.09.2020

**This is an application u/s 439 Cr.PC seeking regular bail moved on behalf of applicant /accused.**

Present: Sh. Balbir Singh, Id. Addl. PP for the State.  
IO/SI Shri Narayan.  
Sh. Fahim Alam, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

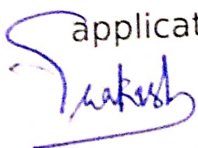
Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Arguments on bail application heard. Reply perused.

After referring to the allegations appearing in FIR, counsel of applicant/ accused has argued that the applicant is totally innocent and has been falsely implicated in this case; he is young boy and he is having clean antecedents. It is also argued that the applicant is in custody w.e.f. 09.07.2020. It is further argued that Section 307 IPC is not attracted in this case as firing was allegedly done towards door and wall and not against the complainant. It is further argued that the entire story of prosecution is based on falsehood and the present applicant is neither named in the FIR nor there is any incriminating evidence whatsoever available against him on record. It is further argued that present applicant has nothing to do with co-accused Mahesh @ Mannu or with any other co-accused including Atar Rehman @ Atwa and he is no more required for the purpose of investigation which is already completed. Therefore, he may be released on bail.

On the other hand, Id. Addl. PP has opposed the bail application on the ground that the present applicant had played an

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**Bail Application No. 1216/20**  
**FIR No. 425/2019**  
**PS: Karol Bagh**  
**U/s: 385/307/120B/34 IPC & 25/27/54/59 Arms Act**  
**State Vs. Rahul @ Dadu**

-2-

active role in the commission of crime and was involved in the firing incident. It is further argued that the present applicant acted on the instructions of co-accused Atar Rehman @ Atwa being part of his gang and when co-accused was hired by co-accused Mahesh @ Mannu. It is further argued that present applicant alongwith co-accused persons including Bhanu Prasad, Govind @ Golu, Ashok Kumar Bichua etc. fired several rounds of bullets at the house of complainant in order to force him to pay hefty amount to them and they all attempted to commit his murder. It is further argued that investigation is still going on in this case. Therefore, the present bail application may be dismissed.

In brief, it is alleged that complainant had constructed one building of real uncle of co-accused Mahesh @ Mannu and, that is why, the said co-accused was well aware of the fact that complainant is financially sound. For that reason, said co-accused made whatsapp call to the complainant on 26.11.2019 through unknown number and asked him to give Rs.50,000/- but complainant denied to pay the said amount. On 27.11.2019, said demand was again made through whatsapp call and the complainant was allegedly threatened to face the consequences for not paying money to them. It is alleged that on 28.11.2019, several rounds of bullets were fired at the house of the complainant through hired goons to extort money from complainant at the instance of co-accused Mahesh @ Mannu, who is inside the jail.

As per reply of IO, the analysis of CDRs revealed that present applicant was in touch with co-accused Atar Rehman @ Atwa and he is part of his gang. It is claimed that co-accused Mahesh @ Mannu had hired contract killers to extort money from the complainant as he himself was lodged inside the jail. IO has pointed out that the present applicant was not only involved in the reece of the house of the complainant but was also involved in the firing incident. On query, IO has submitted before the Court that the

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**Bail Application No. 1216/20**  
**FIR No. 425/2019**  
**PS: Karol Bagh**  
**U/s: 385/307/120B/34 IPC & 25/27/54/59 Arms Act**  
**State Vs. Rahul @ Dadu**

**-3-**

present applicant refused to participate in judicial TIP, whereafter, the present applicant is duly identified by the complainant to be one amongst the assailant involved in the incident of firing, vide his supplementary statement u/s 161 CrPC dated 09.08.2020. He also produced copy said supplementary statement as available in the police file. The investigation is still going on in this case.

After considering the overall facts and circumstances of the case including nature of allegations, gravity of offences and the role allegedly played by present applicant, Court is of the view that no ground is made out at this stage for grant of bail to the present applicant. Consequently, the present bail application is dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)  
Addl. Sessions Judge (Electricity)  
Central District/ THC/Delhi  
16.09.2020