

**Case No.1001/2019**  
**FIR No.211/2019**  
**u/s 376 IPC**  
**PS: Lahori Gate**  
**State Vs. Vicky Gupta**

28.09.2020

**ORDER ON THE BAIL APPLICATION OF APPLICANT/ACCUSED**  
**VICKY GUPTA S/O. SH. SURENDER KUMAR GUPTA.**

Present: Sh. Ateeq Ahmad, Ld. Addl. PP for the State through V.C.  
Ms. Lakshmi Raina, ld. Counsel for DCW through V.C.  
Sh. Mohit Aggarwal, ld. Counsel for accused heard through  
V.C.

Arguments on the bail application heard.

It is submitted by ld. Counsel for accused that applicant/accused is in JC w.e.f. 15.10.2019 and he has been falsely implicated in the present case. Ld. Counsel for the accused has submitted that the complainant/victim was arrested on 30.06.2020 in case FIR No.303/2020 u/s 376/420/389/182/211/120B/34 IPC P.S. Krishna Nagar.

It is further submitted by ld. Counsel for accused that complainant/victim is habitual to falsely implicate the innocent person in a heinous crime i.e. section 376 of IPC in collusion with the other persons and because of this reason she along with other four persons have been arrested by the P.S. Krishna Nagar and further submitted that in that case FIR the bail application of the complainant/victim who is in JC in case FIR No.303/2020 was dismissed by the Ld. Sessions Court on 25.07.2020. Ld. Counsel for accused has also submitted that FSL report has also been filed in the Court and make a request that accused may kindly be granted bail.

Per Contra, Ld. Addl. PP for the State has vehemently opposed the bail application on the ground that applicant/accused is in JC for a

heinous crime and examination of prosecutrix is yet to be completed and make a submission that the bail application of applicant/accused may kindly be dismissed. Heard.

Having heard the submission, made by ld. counsel for applicant/accused, Ld. Counsel for Delhi Commission for Women as well as the ld. Addl. PP for the State and after gone through the contents of the bail application as well as case file and without commenting upon the merits of the cases, this court is of the considered view that applicant/accused is in JC w.e.f. 15.10.2019 and the allegations against the accused are of very serious nature and examination of prosecutrix is yet to be completed.

It is worth mentioning that the Ld. Counsel for accused has filed bail application No. 3162/2019 in the Hon'ble High Court of Delhi and in the order dtd. 13.08.2020 passed by Hon'ble High Court of Delhi, it has been mentioned **“in the circumstances, it is submitted on behalf of the prosecutrix and on behalf of the State that the testimony of the prosecutrix needs necessarily to be completed. The said submission made on behalf of the prosecutrix and the State is apparently correct as it appears necessary that the prosecutrix is examined completely before consideration of any bail application filed by the applicant.**

**In the present circumstances, the ld. Counsel for the applicant presently seeks to withdraw the present application i.e. bail application No.3162/2019, seeking liberty to file it afresh after completion of the testimony of the prosecutrix.**

**The application is dismissed as withdrawn with liberty granted, as prayed.”**



As per the constitutional mandate, this court, being the trial court is bound to obey the order passed by the Hon'ble High Court of Delhi in letter and spirit. Since the specific observation has been made by the Hon'ble High Court of Delhi vide order dtd. 13.08.2020. Therefore, this court is not inclined to grant bail to the accused. Hence, the same is dismissed.

Bail application is disposed off accordingly.



**(SATISH KUMAR)**  
**ASJ-2(CENTRAL),**  
**TIS HAZARI COURTS, DELHI.**  
**28.09.2020**

**Case No. 554/2019**

**FIR No. 61/2018**

**PS: Burari**

**State Vs. Surya Prakash and Others**  
**u/s 323/377/376(2)(n)/109 IPC r/w 376 IPC**

**28.09.2020**

Present: Sh. Ateeq Ahmad, Ld. Addl. PP for the State.

All three accused persons are absent.

Sh. Pradeep Kadyan, Ld. Counsel for all three accused physically  
in court.

Complainant/victim with counsel Sh. Ravi Chaturvedi.

Ms. Laxmi Raina, Ld. Counsel for DCW.

IO SI Meenakshi in person.

Copy of the application u/s 91, 93 and 94 Cr.P.C. being filed by the  
counsel for the complainant, has been supplied to the counsel for the accused  
who has sought adjournment for filing the reply of the same.

Heard. Allowed.

Exemption application on behalf of the accused persons has been  
filed. Be taken on record.

Heard. In view of the submissions made by Ld. Counsel for all

Be put up on **05.10.2020** for further arguments on the  
aforesaid application of complainant/victim.



**(SATISH KUMAR)**  
**ASJ/SFTC-2(CENTRAL),**  
**TIS HAZARI COURTS, DELHI**  
**28.09.2020**

**Case No.213/2020**  
**FIR No.70/2020**  
**u/s 376/342/323/506 IPC**  
**PS: Nabi Karim**  
**State Vs. Sunil Chhikara**

**28.09.2020**

Present:

Sh. Ateeq Ahmad, Ld. Addl. PP for the State.

Sh. Pradeep Rana, Id. Counsel for accused through V.C.

Ms. Lakshmi Raina, Id. Counsel for DCW.

S.I. Manmeet present in physical.

**FIR No.339/2019**  
**u/s 376 (2)(n)/506 IPC**  
**PS: Nabi Karim**  
**State Vs. Ashish**

**28.09.2020**

Present: Sh. Ateeq Ahmad, Ld. Addl. PP for the State.  
Sh. Rakesh, Id. Counsel for accused through VC/mobile call.  
Ms. Lakshmi Raina, Id. counsel for DCW.  
Arguments on the bail application heard through Video Conferencing.

It is submitted by Id. Counsel for applicant/accused that applicant/accused has falsely implicated in the present case and he has nothing to do with the alleged offence and make a request that bail may kindly be granted to the applicant/accused.

Per Contra, Ld. Addl. PP for the State has vehemently opposed the bail application on the ground that applicant/accused is in JC for a heinous crime and make a submission that the bail application of applicant/accused may kindly be dismissed.

Having heard the submissions, made by Id. counsel for applicant/accused as well as the Id. Addl. PP for the State and Id. Counsel for Delhi Commission for Women and in view of the practice directions issued by the Hon'ble High Court of Delhi, in the above stated case FIR, the notice is required to be served to complainant/victim. Therefore, notice of this bail application be issued to the complainant/victim through I.O. for **05.10.2020**.

I.O. be also summoned to appear in person.

Copy of this order be sent to the I.O. for necessary compliance.

  
**(SATISH KUMAR)**  
**ASJ/SFTC-2(CENTRAL),**  
**TIS HAZARI COURTS, DELHI.**  
**28.09.2020**