

Bail Application No. 37
FIR No. 1053/2014
PS: Kotwali
U/s: 420 IPC
Vijendra Nath Gupta Vs. State

06.01.2021

Fresh bail application u/s 438 Cr.PC moved on behalf of applicant/accused Vijendra Nath Gupta. It be checked and registered.

VIDEO CONFERENCING DAY

Present: Sh. Virender Singh, Ld. Addl. PP for State.
Counsel for applicant/accused Vijendra Nath Gupta.
SI Amit on behalf of IO.

1. The present application u/s 438 Cr.PC moved on behalf of applicant/accused Vijendra Nath Gupta, seeking anticipatory bail. Reply filed by the IO. Copy supplied.
2. Arguments on the bail application heard.
3. The case of the prosecution is that applicant alongwith one Rashmi Gupta is Director in the company "M/s Golden Jewell Craft (India) Pvt. Ltd. The said company availed the credit facility from Allahabad Bank from time to time against the immovable property bearing new no. B-36, measuring 230 sq. yards out of Khasra No. 1086, situated at Abadi Gurunanak Pura, Laxmi Nagar, Delhi-110 092. Ms. Rashmi Gupta stood guarantor for M/s Golden Jewell Craft (India) Pvt. Ltd., and deposited the sale deed dated 18.09.2006 of her aforesaid property with the Allahabad Bank for creating equitable mortgage. Later on, Allahabad Bank came to know that some portion of the mortgaged property has been sold by Ms. Rashmi Gupta to one Smt. Neena

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Srivastava. It is alleged that by selling the portion of the mortgaged property by Ms. Rashmi Gupta, she has cheated the complainant Bank and the company M/s Golden Jewell Craft (India) Pvt. Ltd., defaulted in repayment of credit facility extended to it and the outstanding amount at the time of complaint was Rs. 3,57,66,852/-.

4. The allegations against the applicant Vijendra Nath Gupta is that he is major shareholder in the company M/s Golden Jewell Craft (India) Pvt. Ltd., which has defrauded the Allahabad Bank. The FIR of this case was registered in the year 2014 at the behest of Chief Manager of Allahabad Bank, Chandni Chow, Delhi.

5. Ld. Counsel for applicant submits that as per the FIR itself the active role in the alleged crime was of Ms. Rashmi Gupta and not of the present applicant. He also submits that otherwise also even Ms. Rashmi Gupta has settled the matter with the Bank and has cleared the entire loan/credit facility and Bank has already issued "No Due Certificate" in her favour. The said no due certificate is annexed with the present application.

6. Ld. APP submits that there are serious allegations against the applicant as he was the major shareholder in the company which availed the credit facility from the Bank, therefore, no ground for anticipatory bail is made out.

7. I have considered the rival contentions of Ld. APP & Ld. Counsel for applicant and perused the record.

8. **No due certificate dated 20.01.2020, in favour of M/s Golden Jewell Craft (India) Pvt. Ltd., has been filed alongwith the present application. IO is**

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directed to verify the said certificate and file his report on or before next date.

9. SI Amit appearing on behalf of IO in all fairness admits that applicant is co-operating in the investigation. Keeping in mind all the facts and circumstances, the interim protection is granted to the applicant that he would not be arrested till next date of hearing and would join the investigation as and when required by the IO.

Put up on 14.01.2021.

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THC/Delhi-06.01.2021

**Bail application No. 2154/2020
State Vs. Ankit Chaurasia
FIR No. 31/2020
PS Kashmiri Gate
U/S 186/353/332/342/392/397/365/34 IPC**

06.01.2021

Matter taken up through Video Conferencing (Cisco Webex).

Present Sh. Virender Singh, Ld. Addl. PP for State.
Sh. Mohit Bhardwaj, counsel for applicant/accused Ankit Chaurasia.
IO SI Sandeep Yadav.

1. Present application u/s 439 CrPC has been filed on behalf of applicant/accused Ankit Chaurasia seeking regular bail.
2. Reply already filed by the IO. Copy supplied.
3. Arguments heard.
4. The FIR of this case was registered at the behest of const. Sachin on the allegations that on 22.10.2020 he was on patrolling duty in the area of police station Kashmiri Gate while he was kidnapped, assaulted and robbed of his service pistol and mobile phone by the applicant/accused in connivance with his associate. Allegations against the applicant are that applicant alongwith his father Rajeev @ Munna Chaurasia (co-accused) ply bus between Delhi and Itawa. On the date of incident i.e. on 22.10.2020 applicant Ankit was working as bus operator on bus No. UP-81BT-1004. Const. Sachin, while on patrolling duty, was present in the area of PS Kashmiri Gate, when he heard noise coming from the bus and passengers were quarrelling about the over-crowding. On that, const. Sachin tried to check the bus but the applicant being bus operator of the bus ran away with the bus. But, const. Sachin chased the bus and stopped it near gate No. 5, Metro Station Kashmiri Gate. Const. Sachin entered in the bus to check the same. On that, applicant with other bus staff forcibly pulled him inside the bus, assaulted and

State Vs. Ankit Chaurasia

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robbed him and finally threw him in the area of police station Makhan Pur, District Ferozabad, U.P.. Const. Sachin was treated at Govt. hospital, Ferozabad vide MLC No. 29624/20. On 22.10.2020 on the complaint of const. Sachin, FIR was registered. Applicant alongwith his father/co-accused Rajeev was arrested. The robbed pistol was recovered from the possession of applicant regarding which FIR No. 300/20 dated 23.10.2020 u/s 25/27 Arms Act PS Reun Bhind, M.P. was registered against the applicant.

5. Ld. Counsel for applicant submitted that applicant has been falsely implicated in the present case by const. Sachin who on the date of incident entered into the bus in drunken condition and started demanding money from the applicant. The passengers of the bus opposed the said act of const. Sachin but he started quarrelling with the applicant. Ld. Counsel submitted that despite various request by the applicant, const. Sachin did not get down from the bus. He also submitted that applicant is young boy of 18 years and due to registration of the present FIR his entire carrier is ruined. He submits that co-accused Rajeev @ Munna Chaurasia has already been granted bail by concerned Ld. MM. He also submits that applicant is in JC since 23.10.2020 and investigation qua him is already completed, therefore, no purpose shall be served by keeping accused behind bar. Ld. Counsel submits that as per allegations in the FIR itself, no offence u/s 397 IPC is made out as there are no allegations that applicant ever used any weapon on const. Sachin and even injury sustained by the complainant are simple in nature. Ld. Counsel drawn attention of the Court that vide order dated 01.01.2020 the application of the police/IO seeking police remand of the applicant has been dismissed by Ld. MM.

6. Ld. Addl. PP strongly opposed the bail application as he submits that there are serious allegations of kidnapping and robbing a public servant against the applicant. He also submitted that co-accused persons i.e. other bus staff who were present with the applicant in the bus at the time of incident are yet to be arrested. He also submits that role of applicant cannot be compared with that of accused Rajeev @ Munna since applicant was actively involved in the crime as he was present in the bus and co-accused Rajeev @ Munna was only giving instructions to him.

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7. I have considered the rival contentions made by Ld. Addl. PP and Ld. Counsel for applicant.

8. Applicant is young boy of 18 years and not previously involved in any other criminal case except FIR No. 300/20 dated 23.10.2020 u/s 25/27 Arms Act PS Reun Bhind, M.P. which is also offshoot of this FIR. He is in JC since 23.10.2020. Investigation qua him is complete. Keeping in mind all the facts and circumstances and without expression of any opinion on the rival contentions of both the parties on merit, applicant is admitted to court bail subject to his furnishing personal bond of Rs.25,000/- with one surety bond of like amount and further subject to the condition that he shall not leave India without permission of the Court.

9. Application stands disposed off.

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(CHARU AGGARWAL)
ASJ-02, CENTRAL,
TIS HAZARI COURTS, DELHI.

**Bail Application No. 41
FIR No. 181/2020
PS: Nabi Karim
U/s: 420/411 IPC
Sodiyor Zokirov Vs. State**

06.01.2021

Fresh application u/s 439 Cr.PC moved on behalf of applicant/accused Sodiyor Zokirov. It be checked and registered.

VIDEO CONFERENCING DAY

Present: Sh. Virender Singh, Ld. Addl. PP for State.
Counsel for applicant/accused Sodiyor Zokirov.

IO is directed to file previous involvement of the applicant on or before next date.

Put up on 12.01.2021.

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THC/Delhi-06.01.2021

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Bail Application No. 40
FIR No. 303/2020
PS: Chandni Mahal
U/s: 420/468/471/120-B/34 IPC
Paramjit Kaur Vs. State

06.01.2021

Fresh application u/s 439 Cr.PC moved on behalf of applicant/accused Paramjit Kaur. It be checked and registered.

VIDEO CONFERENCING DAY

Present: Sh. Virender Singh, Ld. Addl. PP for State.
Counsel for complainant.
Counsel for applicant/accused Paramjit Kaur.

Ld. Counsel for applicant submits that applicant is ready to settle the case and is ready to make the payment today at 02:00 PM itself.

At joint request, put up at 02:00 PM.

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At 02:00 PM

Present: Sh. Virender Singh, Ld. Addl. PP for State.
Counsel for complainant.
Counsel for applicant/accused Paramjit Kaur.

While perusing the application, I found that earlier bail application of the applicant was dismissed by Ld. Predecessor despite compromise between the parties on

FIR No. 303/2020
PS: Chandni Mahal
U/s: 420/468/471/120-B/34 IPC
Paramjit Kaur Vs. State

27.11.2020. The order dated 27.11.2020 is not annexed with the present application.
Applicant is directed to file the same on next date.

Put up on 12.01.2021.

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Bail Application No. 39
FIR No. 583/2020
PS: Kotwali
U/s:356/379/411 IPC
Naved Ansari Vs. State

06.01.2021

Fresh application u/s 439 Cr.PC moved on behalf of applicant/accused Naved Ansari. It be checked and registered.

VIDEO CONFERENCING DAY

Present: Sh. Virender Singh, Ld. Addl. PP for State.
Counsel for applicant/accused Naved Ansari.

In para no. 4 of the application, it is mentioned that the bail application of the applicant was dismissed by Ld. ASJ vide order dated 05.12.2020. The said order is not annexed with the application.

Counsel for applicant submits that he is not having the copy of the order dated 05.12.202.

IO is directed to place on record the copy of order dated 05.12.2020, passed by Ld. ASJ on or before next date.

Put up on 11.01.2021.

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**Bail Application No. 38
FIR No.371/2020
PS: Kashmere Gate
U/s: 365/384 IPC
Bijender Kumar Vs. State**

06.01.2021

Fresh application u/s 439 Cr.PC moved on behalf of applicant/accused Bijender Kumar. It be checked and registered.

VIDEO CONFERENCING DAY

Present: Sh. Virender Singh, Ld. Addl. PP for State.
Counsel for applicant/accused Bijender Kumar.

This is an application u/s 439 Cr.PC moved on behalf of applicant/accused Bijender Kumar, seeking regular bail. Reply filed by the IO. Copy supplied.

IO is directed to appear on next date with file.

Put up on 11.01.2021.

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ASJ-02/Central Distt.
THC/Delhi-06.01.2021**

Bail Application No. 2329
FIR No. 323/20
PS: Pahar Ganj
U/s: 307/34 IPC
Maan Singh Vs. State

06.01.2021

VIDEO CONFERENCING DAY

Present: Sh. Virender Singh, Ld. Addl. PP for State.
Complainant/injured with counsel Sh. Akhil.
Sh. K. P. Singh, counsel for applicant/accused Maan Singh.

1. The present application u/s 439 Cr.PC moved on behalf of applicant/accused Maan Singh, seeking interim bail.
2. The case of the prosecution is that on 18.12.2020, the applicant Maan Singh alongwith his associate gave beatings to injured Charan Singh by iron rod and danda. The FIR was got lodged by one eye witness Sh. Sharad. The entire episode of quarreling and beatings was captured in CCTV Camera which was seized by the IO during investigation. One iron rod was recovered from the house of applicant Maan Singh. Co-accused Akash was also arrested who is still running in JC.
3. Ld. Counsel for applicant submits that applicant has been falsely implicated in the present case. Nothing was recovered from him. He has old aged parents to lookafter in his family. His mother is suffering from various diseases. He also submits that investigation is already completed, therefore, no purpose shall be served by keeping the applicant behind bar. Application is stated to be in JC since 09.12.2020.
4. Ld. APP strongly oppose the bail application as he submits that there are serious allegations against the applicant. Weapon of offence was recovered at his

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FIR No. 323/20
PS: Pahar Ganj
U/s: 307/34 IPC
Maan Singh Vs. State

instance and he is a habitual offender. Investigation is at initial stage. Ld. APP also submits that as per the MLC, the applicant has received grievous injuries.

5. I have considered the rival contentions of Ld. APP & Ld. Counsel for applicant and perused the record.

6. There are serious allegations against the applicant. Applicant is also involved in other criminal cases, weapon of offence was recovered from him, hence, at this stage, no ground for bail is made out. The present bail application is hereby dismissed.

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

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ASJ-02/Central Distt.
THC/Delhi-06.01.2021

Bail Application No. 2250
FIR No. 330/2020
PS: Nabi Karim
U/s: 342/370/374 IPC, 23 J. J. Act,
03/14 Child Labour Act
& 16 Bounded Labour Act
Suhail Ahmad Vs. State

06.01.2021

VIDEO CONFERENCING DAY

Present: Sh. Virender Singh, Ld. Addl. PP for State.
Counsel for applicant/accused Suhail Ahmad.
IO SI Raj Bahadur.

1. The present application u/s 438 Cr.PC has been moved on behalf of applicant/accused Suhail Ahmad, seeking anticipatory bail. Reply filed by the IO. Copy supplied.
2. Arguments on the bail application heard.
3. The case of the prosecution is that on 17.11.2020, joint surprise Child/Bonded Labour Rescue Operation alongwith SDM, Karol Bagh, Officials of NGO and Delhi Police was conducted in the area of PS Nabi Karim. During the said raid, 15 child/bonded labour were rescued from the premises bearing no. A-767, Amarpuri, Prem Nagar, Pahar Ganj, Delhi. The children were found engaged in making of raksin bags. Rescued children were found working in pathetic conditions as there was no ventilation and hygienic in the room they were working. The employer was giving only Rs.200/- - Rs. -300/- a week to them against 12 hours working. The children were not allowed to go out. After the rescue of the children, they were medically examined and produced before CWC and were sent to children homes for boys at Connaught Place

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FIR No. 330/2020
PS: Nabi Karim
Suhail Ahmad Vs. State

and Pahar Ganj, Delhi. Out of the 15 rescued children, child Hasnain Ali aged about 16 years stated before the raiding team and SDM, Karol Bagh that he was working under the employer Suhail Ahmad (applicant herein).

4. As per the reply filed by the IO today, the ossification test of the child Hasnain Ali has been conducted and his age is opined to be between 15 to 16 years. Statement u/s 164 Cr.PC of victim child has already been recorded. IO has also filed the statement of father of the child recorded during investigation.

5. Ld. Counsel for applicant submits that all the offences except Section 370 IPC for which applicant is booked are bailable. He also submits that even otherwise as per the ossification test the age of the child is 15 to 16 years, therefore, Section 3/14 Child Labour Act is not attracted. He also submits that neither the victim child nor his father has supported the case of the prosecution as the child has nowhere stated in his statement recorded u/s 164 Cr.PC that he was employed by the applicant at his factory. He also submits that the applicant has always joined the investigation as and when called by the IO.

6. Ld. APP strongly oppose the bail application as he submits that there are serious allegations against the applicant regarding employing a minor child in his factory, therefore, applicant be not admitted on anticipatory bail.

7. I have considered the rival contentions of Ld. APP & Ld. Counsel for applicant and perused the record.

8. The victim child has nowhere in his statement recorded u/s 164 Cr.PC has stated that he was employed by the applicant in his factory. IO in all fairness has

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FIR No. 330/2020
PS: Nabi Karim
Suhail Ahmad Vs. State

accepted that applicant has joined the investigation as and when called by him. Accordingly, the applicant Suhail Ahmad is admitted on anticipatory bail subject to furnishing of personal bond to the tune of Rs. 20,000/- and surety bond of like amount to the satisfaction of concerned SHO and further subject to the following conditions:-

- (i) *The applicant shall make himself available for interrogation by the IO as and when required;*
- (ii) *The applicant shall not influence the witnesses;*
- (iii) *The applicant shall not leave India without prior permission of the court;*
- (iv) *The applicant will not change his address without prior intimation to the IO or Court;*
- (v) *The applicant shall furnish his mobile phone or contact number to the IO immediately.*

The application is disposed off accordingly.

Copy of this order be sent to the concerned IO/SHO.

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