

B.A.No.2561/21
FIR No.373/2018
PS Kotwali
State v. Bunty

05.06.2021

Present: Sh. K.P. Singh, Ld Addl. PP for State through videoconferencing.

Sh.Mohd.Imran, Counsel for accused-applicant through videoconferencing.

Hearing is conducted through videoconferencing.

This is an application u/s 439 Cr.P.C. for grant of regular bailon behalf of accused-applicant Bunty in case FIR No.373/18.

Arguments are heard. For orders, put up at 4 p.m.



(NeeloferAbidaPerveen)
SpecialJudge-02, NDPS/
ASJ,(Central), THC/Delhi
05.06.2021

Order:-

This is an application u/s 439 Cr.P.C. for grant of regular bailon behalf of accused-applicant Bunty in case FIR No.373/18

Ld. Counsel for accused-applicant submits that the accused-applicant has been falsely implicated by the police officials of PS Kotwali with the connivance of the complainant. That the investigation is complete and chargesheet has already been filed. That nothing incriminating has been recovered from or at the instance of the accused-applicant. That the accused-applicant is in custody for the last

over one and a half year and no effective proceedings have taken place and no progress made in the trial which is likely to take sometime to conclude and that no purpose is to be served by keeping the accused-applicant in custody any further.

Ld.APP submits that accused Bunty is actively involved in the offence, he along with his associates committed night burglary and he is clearly visible in the CCTV footage while committing burglary. That the stolen laptop of complainant was recovered at the instance of the accused-applicant from his jhuggi. That the accused-applicant is already involved in 5 other criminal cases of similar nature. That the chargesheet against the accused-applicant has been filed in this case on 22.01.2019. That one co-accused Rafiq @ Kishori is still absconding and that the bail application of the co-accused was dismissed vide order dated 12.7.2019 and 25.07.2019 by this Court.

Heard.

The present case FIR is registered on 27.11.2018 on the complaint of Manoj Aggarwal alleging that on 26.11.2018 at about 9.30 p.m, he closed his shop NO.1109/1, Chhata Madan Gopal, Chandani Chowk, Delhi, and on 27.11.2019, he came to know that shutter of his shop is open and when he went there, he noticed that shutter of the shop is ajar and drawers inside the shop are wide open and upon inspection of the shop he found that Rs.3,00,000/-, 250 Grams Gold and 1.5 KG stones and one laptop had been taken away from his shop. He checked the CCTV footage and came to know that four boys had entered his shop and committed the burglary at around 5.45 am.

On the basis of CCTV footage, accused-applicant Bunty and co-accused Ladoo @ Salman and Nitesh Kumar were arrested in

this case on 28.11.2018, and the stolen laptop of the complainant is recovered at the instance of accused-applicant Bunty from his jhuggi.

The accused-applicant is in custody in connection with the present case for more than two and half years, chargesheet is filed and the trial has not made much headway due to the peculiar situation arising from the outbreak of the pandemic, and the suspension of the regular functioning of the Courts in the wake thereof. The accused-applicant does not have clean antecedents, he is however not a previous convict. In such totality of the facts and circumstances, taking into consideration the period in custody, and as the trial is likely to take some time to conclude, no purpose is to be served by keeping the accused further in custody in connection therewith and hence the present application is allowed and regular bail is granted to accused-applicant Bunty in case FIR no.373/2018 upon his furnishing personal bond with two local sureties in the sum of Rs. 20,000/- each to the satisfaction of the Ld. Trial Court/Duty MM and subject to the condition that he shall mention the mobile phone to be used by him which number it shall be ensured by him is kept on switched on mode at all times with location activated and shared with the IO at all times, he shall not engage in criminal activities and shall not leave the NCR Region without the prior permission of the IO, every Monday of the week he shall telephonically confirm his location with the IO and shall get his presence marked on the 30th day of each month with the IO/SHO concerned. The accused and the sureties shall not change the respective verified addresses and mobile phone numbers without prior intimation to the IO. Application is disposed of accordingly.

Copy of order be forwarded to Ld.Counsel for accused-

applicant through electronic mode.

A handwritten signature in blue ink, reading "Neelofer" with a horizontal line underneath.

(NeeloferAbidaPerveen)
SpecialJudge-02, NDPS/
ASJ,(Central), THC/Delhi
05.06.2021

B.A.No.2259/21
FIR No.168/2021
PS Kotwali
State v. Akash

05.06.2021

Present: Sh. K.P. Singh, Ld Addl. PP for State through videoconferencing. Inspector Shivani Singh / IO through videoconferencing.

Sh.ShahrukhInam, Counsel for complainant through videoconferencing.

Sh.Vineet Chadha, Counsel for accused-applicant through videoconferencing.

Hearing is conducted through videoconferencing.

This is an application u/s 439 Cr.P.C. for grant of interim bail on behalf of accused-applicant Akash in case FIR No.168/2021.

Arguments are heard. For orders, put up at 4 p.m.



(NeeloferAbidaPerveen)
SpecialJudge-02, NDPS/
ASJ,(Central), THC/Delhi
05.06.2021

Order:-

This is an application u/s 439 Cr.P.C. for grant of interim on behalf of accused-applicant Akash in case FIR No.168/2021.

Ld. Counsel for accused-applicant submits that the accused-applicant has been falsely implicated in the present case by the police of PS Bindapur and the accused-applicant is in JC more than

15 days. That the accused-applicant has clean antecedents and no other case is pending against the accused-applicant. That no recovery has been made from the accused-applicant and that the conduct of the accused-applicant in jail is good. That the investigation of the case is almost complete and no useful purpose would serve by keeping the accused in JC. That the arrest of the accused-applicant in this case is upon disclosure arrest on another case.

Ld. APP submits that the interim bail is on the ground of pregnancy of wife of the accused-applicant and that the medical documents of the wife of accused-applicant have been verified and found to be genuine.

The accused-applicant alongwith co-accused, is alleged to have robbed the complainant in a moving bus while the complainant was in the process of boarding thereon, and in the course of the robbery the accused-applicant with the use of a paper cutter is alleged to have caused injuries upon the person of the complainant. The accused-applicant is overpowered with the help of bus marshal by the complainant though the co-accused managed to escape taking away the mobile phone of the complainant. Investigation is in progress. The wife of the accused-applicant is in the family way and is four months pregnant, the factum of pregnancy stands verified. However, there is no complication of any kind reported, no bed rest advised, no hospitalization is required in connection therewith. Interim bail can alone be granted in extraordinary circumstances to meet cases of undue hardship and exceptional exigencies where the personal presence of the accused would be absolutely indispensable. Such is not the case at hand, as the wife of the accused-applicant does not

require hospitalization at this stage. No ground is made out therefore to release the applicant on interim bail when the investigation is in its nascent stages, and he is apprehended from the spot with the weapon of offence with which he inflicted injuries on the person of the complainant. The application is accordingly dismissed.

Copy of order be forwarded to Ld.Counsel for accused-applicant through electronic mode.



(Neelofer Abida Perveen)
Special Judge-02, NDPS/
ASJ, (Central), THC/Delhi
05.06.2021