

FIR No. 288/2019  
PS: Sarai Rohilla  
State Vs. Rahul

20.06.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State.  
Sh. Mohd. Illiyas ,counsel for accused-applicant (through  
video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of regular bail under Section 439  
CrPC on behalf of accused Rahul in case FIR No. 288/2019.

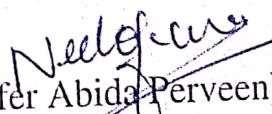
Ld. Counsel for the accused applicant submits that mother of the  
accused-applicant is suffering from heart ailment and appropriate treatment is  
not being provided to her <sup>ng</sup> as he is the only son capable of taking care of the  
mother as the sister is married and residing separately and the father is also  
separated.

Medical documents from RML Hospital were verified with the  
report that coronary artery disease- Angina is to be ruled out in this patient. The  
family status report has not been filed.

Ld. Addl. PP submits that IO has sought further time for  
verification of the family status of the accused-applicant due to the prevailing  
lockdown.

Report be filed on or before 22.06.2020.

For report and consideration, put up on 22.06.2020.

  
(Neelofer Abida Perveen)  
ASJ (Central) THC/Delhi  
20.06.2020

FIR No. 222/2016

PS: Timarpur

State Vs. Dharambir

20.06.2020

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

Sh. Mani Grover, counsel for accused-applicant (through  
video conferencing)


Hearing conducted through Video Conferencing.

This is an application for grant of regular/interim bail under  
Section 439 CrPC on behalf of accused Dharambir in case FIR No.  
222/2016.

Ld. Counsel for the accused-applicant submit<sup>ed</sup> that report was  
called from Jail Superintendent in respect of the medical health condition  
of the accused-applicant as the accused-applicant is detected HIV positive  
and due to covid-19 pandemic is at a greater risk to contract the infection.

Report is not received. Report be called for 23.06.2020.

For report and consideration, put up on **23.06.2020**.

  
(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi  
20.06.2020

**FIR No. 137/2017**  
**PS: Timarpur**  
**State Vs. Happy Kapoor**

20.06.2020

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

Sh. Iqbal Khan ,counsel for accused-applicant (through  
video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of interim  
bail on behalf of accused Happy Kapoor in case FIR No. 137/2017.

Ld. Counsel for the accused-applicant submits that accused <sup>is</sup>  
suffering from Uretic Calculls and is not receiving appropriate treatment in  
custody and his condition is deteriorating day by day.

Reply has already been filed alongwith previous involvement  
report. Accused does not have clean antecedents and therefore, does not fullfil  
the criteria laid down under guidelines issued by the High Powered Committee  
of Hon'ble High Court of Delhi dated 18.05.2020 for release of undertrial  
prisoners for 45 days interim bail in order to decongest the prisons in Delhi in  
the wake of out break of covid-19 pandemic.

Report was called for in respect of the medical condition of the  
accused-applicant from the Jail Superintendent concerned. As per the report of  
the Medical Officer Incharge, Central Jail no. 10, Rohini, Delhi, the accused-  
applicant is under regular follow up from jail dispensary, Dr. B. S. A., Urology  
department and AIIMS Urology department. That accused-applicant went to  
AIIMS urology department on 08.11.2019 for getting surgery date. That AIIMS  
urology department directed the patient to bring attendant / relative for consent


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and stay during surgical procedure. That accused-applicant was again sent to AIIMS urology department on 02.12.2019 where no attendant from his side was available at the hospital to give the consent for the surgery, also a intimation letter was sent to Jail Superintendent (CJ-10) on 13.12.2019 regarding arrangement of attendant for the consent and surgical procedure. That AIIMS urology department directed the accused-applicant to arrange attendant/relative as soon as possible after which he will be adjusted in their operation theater schedule on priority basis. That accused-applicant has written to Jail Superintendent that he and his relative are not agreed for the surgical procedure and accused-applicant is willing to go for surgery in a private hospital. That accused-applicant went outside of jail on 21.01.2020 and came back on 31.01.2020, accused again went outside of jail on 04.02.2020 and came back on 13.02.2020. From 13.02.2020 to 28.02.2020 patient did not report to jail dispensary of any complaint. That accused-applicant was released on 03.03.2020 and came back on 22.03.2020, the accused did not submit any medical illness documentation regarding his treatment during his stay at outside and accused did not report to jail dispensary from 22.03.2020 to till date for his illness. Accused-applicant came to OPD for his general medical illness for which he was given conservative treatment. That present general condition is stable and satisfactory and all prescribed medications are being provided to him from Jail Dispensary.

It emerges that on the same ground accused-applicant availed interim bail on three occasions previously and lastly from 03.03.2020 till 22.03.2020. The material fact in respect of availing of interim bails on the same ground on earlier occasions is not mentioned in the application. It is also not brought forth as to why the treatment could not be availed by the accused-

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applicant during the interim bail granted for the period 03.03.2020 to 22.03.2020. It would appear as if the accused-applicant is merely setting up the ground of the illness and the pretext to avail treatment for the same only to avail interim bails time and again without availing appropriate treatment for the same. Moreover, as per report, of the Medical Officer Incharge, Central jail No. 10 Rohini accused-applicant after availing of the interim bail granted for the same purpose on the last occasion i.e. since 22.03.2020 has not reported to the jail dispensary for Uretic Calculls whereas the ground raised in the present application is that the accused-applicant is not being provided appropriate <sup>treatment</sup> for the said illness. When the accused has not visited the dispensary on the complaint of such illness, it cannot be assessed as to whether appropriate treatment could have been provided/ has been provided to him for the said illness in custody or not. Also the general condition of the accused-applicant is reported to be stable and satisfactory and all prescribed medication are being provided to him from jail dispensary. In view thereof, no ground is made out to grant interim bail to the accused-applicant Happy Kapoor. **Application under Section 439 CrPC for grant of interim bail on behalf of accused Happy Kapoor in case FIR No. 137/2017 is dismissed.**

  
(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi  
20.06.2020

**FIR No. 123/2017**

**PS: Crime Branch**

**State Vs. Emeka Efoh Stephen**

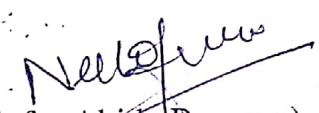
20.06.2020

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

None for accused-applicant.

Hearing conducted through Video Conferencing.

Office reports that vide order dated 17.06.2020, bail order dated 06.02.2020 has been modified to the extent that the accused-applicant is ordered to be released on bail upon furnishing personal bond with one surety in the sum of Rs.30,000/- each, which has already been furnished and accepted. In view thereof, present bail bonds becomes unnecessary and infructuous.

  
(Neelofer Abida Berveen)  
ASJ (Central)THC/Delhi  
20.06.2020

**FIR No. 91/2015**

**PS: NDRS**

**State Vs. Condrey John (Bhupender)**

20.06.2020

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

Sh. Dinesh Malik, counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of interim bail under Section 439 CrPC on behalf of accused Bhupender in case FIR No. 91/2015.

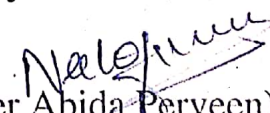
Ld. Counsel for the accused-applicant submits that father of the accused-applicant unfortunately passed away on 27.05.2020 and he could not attend the funeral and last rites and that there are certain religious rites and ceremonies which are to be performed by the accused-applicant being the son and that accused-applicant has now undergone custody of over five years and has not been granted bail even once.

Ld. Addl. PP submits that case pertains to the commission of train robbery in Purshottam Express by five offenders out of which four were apprehended. That public witnesses have now been examined and they all supported the case of the prosecution and accused-applicant stands duly identified in the Court as one of the offenders. That accused-applicant does not have clean antecedents as he is habitual offender involved in at least six cases out of which four are registered in Delhi and two in UP and he stands convicted in FIR No. 65/2011 and FIR No.

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68/2011 and is likely to misuse the concession if enlarged on bail and that accused-applicant is previous convict and there are two convictions of different periods of imprisonment suffered by him.

It emerges that accused is produced from custody for trial in the present case from Dasna Jail where he is serving imprisonment of 1095 days in case FIR No. 0065/2011. The factum of death of father of the accused-applicant has been verified. It is reported that the father of the accused was residing with the sister of father of the accused-applicant during his illness and at the time of his death on 27.05.2020 and the *tehravin hawan* which is the main ritual after death has already been performed by the said sister of the father of the accused-applicant with other relatives and now no further rites and ceremonies remained to be performed in connection with the death of the father of the accused-applicant Bhupender. In such facts and circumstances, no ground is made out to grant interim bail to the accused-applicant Bhupender. **Application for grant of interim bail under Section 439 CrPC on behalf of accused Bhupender in case FIR No. 91/2015 is hereby dismissed.**

  
(Neelofer Abida Perveen)  
ASJ (Central) THC/Delhi  
20.06.2020



**FIR No. 113/2016**

**PS: Pahar Ganj**

**State Vs. Rupesh Kumar Gupta**

**20.06.2020**

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

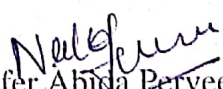
Sh. Sachin Jain, LAC for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of interim bail under Section 439 CrPC on behalf of accused Rupesh Kumar Gupta in case FIR No. 113/2016.

The application is filed invoking the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 as the accused who is alleged to have committed the offence punishable under Section 302 IPC is in custody since 25.02.2016 with clean antecedents. It is verified that accused applicant is not involved in any other case. Custody certificate is annexed alongwith the application as the application is received through the Jail authorities, however, in the present case there is an application pending filed on behalf of the accused-applicant under Section 328 CrPC for stay of the trial on the ground that the accused-applicant is a person of unsound mind and for the assessment of his condition. In such facts and circumstances, let report be called for from the Medical Officer Incharge, upon assessment of the mental health condition of the accused-applicant Rupesh Kumar Gupta. Conduct report be also called for from the Jail Superintendent.

For report and consideration, put up on **24.06.2020**.

  
(Neelofar Abida Perveen)  
ASJ (Central) JHC/Delhi  
20.06.2020

**FIR No. 29/2019**  
**PS: Kamla Market**  
**State Vs. Javed**

20.06.2020

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

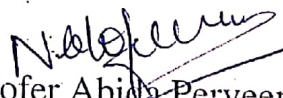
Sh. S. G. Goswami, Counsel for accused-applicant (through  
video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of regular/interim bail under  
Section 439 CrPC on behalf of accused Javed in case FIR No. 29/2019.

Ld. Counsel for the accused-applicant submits that the  
accused-applicant is not receiving proper treatment in custody for his  
medical condition as mentioned in para 3 of the application. Let report be  
called for from the Jail Superintendent concerned in respect of the medical  
health condition of the accused-applicant.

For report and consideration, put up on **25.06.2020**.

  
(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi  
20.06.2020

**FIR No. 699/2015**

**PS: ODRS**

**State Vs. Sunil @ Ballu**

20.06.2020

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

Sh. Satish Srivastava, counsel for accused-applicant  
(through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of regular/interim bail under Section 439 CrPC on behalf of accused Sunil @ Ballu in case FIR No. 699/2015.

Ld. Counsel for the accused-applicant submits that the application titled as an application for grant of interim bail or grant of regular bail may be treated as an application for grant of regular bail.

Ld. Counsel for the accused-applicant submits that accused is in JC since 07.11.2015 and the main accused Sunil Pavva has already been granted regular bail and that one of the material prosecution witnesses has turned hostile, i.e. PW13 Rajinder. Ld. Counsel submits that there are no further submissions to be made on behalf of the accused-applicant.

Ld. Addl. PP on the other hand submits that taking into consideration the heinous nature of the offence and as the accused has been identified by the eye witness in the TIP proceedings as well as in

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the Court, accused applicant is not entitled to concession of bail. Lt. Adil. PP further submits there is every likelihood that accused shall misuse the concession if enlarged on bail and that the accused does not have clean antecedents.

Arguments heard Record perused.


On 07.11.2015, police received information that one Vinod Kumar has been stabbed on the Shahadra Railway lines. By the time police arrived, the injured Vinod had been taken via PCR Van to GTB Hospital where he was declared as brought dead. FIR Bearing no. 699/2015 is registered on the statement of the eye witness Rajinder to the effect that when the deceased and the eye witness were returning from their place of work and had reached near the Shahadra Railway Station, they saw some boys sitting on the railway track, who caught hold of them, he managed to escape and the deceased was stabbed by the accused when he resisted and this incident he witnessed from a distance of a few steps after escaping from their clutches. The eye witness has been examined and has supported the case of the prosecution and has identified the accused applicant as one of the offender who had intercepted and assaulted the deceased. The cross-examination of the eye witness spilled across several dates and on each date he gave a somewhat different account of what he saw and who all he saw. Though the eye witness has supported the case of the prosecution but has wavered on some

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material accounts, pertaining to the identification of the accused. The witness has not been able to pin point as to who out of the three accused specifically had stabbed the deceased, but the presence of accused-applicant is affirmed by the eye witness. Further the accused-applicant does not have clear antecedents. Previous bail application of the accused-applicant was also dismissed while observing that there is no parity with the co-accused Sunil-Pavva, who was granted bail in the year 2018 as co-accused Sunil Pavva is not identified to be one of the three assailants at the spot but is apprehended as he was found in possession of the mobile phone of the deceased and its recovery from the said accused was not soon after the robbery, the robbery having taken place on 15.11.2015 and the recovery was made on 01.02.2016. The role attributed to the co-accused Sunil Pavva is <sup>is</sup> ~~on~~ totally different from the role attributed to the accused-applicant and his case is <sup>is</sup> ~~on~~ a separate footing altogether. Further accused-applicant Sunil @ Ballu does not have clean antecedents, <sup>and is</sup> ~~that~~ even his conduct during custody as undertrial prisoner as per the report of the Jail Superintendent on record has not been satisfactory and in the year 2020 itself seven punishment<sup>is</sup> have already been recorded till date. The accused on every date of hearing in the court in the present case are found to be very vocal and insist upon conducting the proceedings themselves without any legal counsel. There is perceptible an endeavour to overawe and browbeat

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even the official witnesses during the course of their examination in the Court. Taking into consideration, the nature of the offence and the strong apprehension of interference with the process of justice expressed by the prosecution and the reprehensible conduct of the accused-applicant in custody and also as the accused does not have clean antecedents, it is not a fit case for grant of bail to the applicant-accused. **Application for grant of interim bail of accused Sunil @ Ballu in case FIR No. 699/2015 is hereby dismissed.**

  
(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi  
20.06.2020