

B. A. No. 1470
FIR No. 845/2015
PS: Burari
State Vs. Ved Prakash Mishra
U/s 308/34 IPC

19.10.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)


Sh. Sarvesh Singh, Counsel for accused-applicant (through video conferencing)

Counsel for complainant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of bail moved on behalf of accused-applicant in case FIR No.845/2015.

Arguments heard. For orders, put up at 4 pm.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
19.10.2020

At 4 pm
ORDER

This is an application under Section 439 CrPC for grant of bail moved on behalf of accused-applicant in case FIR No.845/2015.

Ld. counsel for the accused-applicant contended that accused is in custody since 19.07.2020. That chargesheet is already filed and investigation is complete. That accused-applicant is the sole bread earner for his family. That main accused has already been granted bail. That the



present dispute is a family dispute which arose due to misunderstanding and now parties are ready and willing to amicably settle the dispute and are in the process of filing petition for quashing of the FIR and consequential proceedings before the Hon'ble High Court of Delhi.

Ld. counsel for complainant also does not dispute that the parties are ready and willing to settle the dispute amicably which in effect is arising out of a marital discord.


Ld. Addl. PP also submits that investigation is complete and chargeheet has been filed. That accused-applicant is no longer required for the purpose of investigation. That as per reply of the IO, accused-applicant does not have any previous involvement in any case.

Heard.

Present case is registered on the statement of complainant Mridula on the allegations that her younger sister Rupashree was married three years ago to Roshan and is living in her maternal home for last 7 months due to ill health. On 28.06.2015, her brother in law Roshan tried to forcibly take away Rupashree with him which was opposed by the complainant and her brother Rakesh. That after some time Roshan came again with his brother Ved Prakash Mishra @ Bhushan armed with iron rod and started beating complainant and also hit iron rod on her head and also attacked with iron rod on the brother of the complainant who managed to escape. The allegations do indicate that the incident arose out of a marital disagreement. The parties are related as the accused is the brother of the husband of the sister of the complainant and it is stated that the main

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accused that is the husband has already been granted bail which factum is not disputed by the prosecution. It fosters peace and harmony in the society if such disputes arising from matrimonial discord primarily are amicably resolved, relations mended and restored and quietus is put to the litigation that may keep the families entangled and embroiled for long periods festering distrust and enmity and culminating in broken homes. The parties here are moving towards an amicable resolution of the dispute and have also executed writings to this effect. In view thereof taking into consideration, the nature of the allegations, the relationship between the parties, the period of incarceration and also the element of amicable resolution of the matrimonial dispute and as the accused-applicant has clean antecedents and as chargesheet is filed and further custody of the accused-applicant is no longer required for the purposes of investigation, the application is allowed and accused Ved Prakash Sharma is granted regular bail in case FIR No. .845/2015 subject to his furnishing personal bond in the sum of Rs.20000/- with one surety of like amount to the satisfaction of the Ld. Trial Court/Duty MM, and upon the condition that he shall appear scrupulously before the Ld. Trial Court on each and every date of hearing and shall not delay, subvert or defeat the trial in any manner whatsoever, he shall not threaten, intimidate or influence witnesses nor tamper evidence or interfere with the trial in any manner whatsoever. He shall not change his address or mobile phone number mentioned in the personal bond without prior intimation to the IO. Application is disposed of accordingly.


(Neelofar Abida Perveen)
ASJ (Central)THC/Delhi
19.10.2020

B. A. No. 2810
FIR No. 395/2020
PS: Civil Lines
State Vs. Bharat
U/s 392/394/34 IPC
19.10.2020

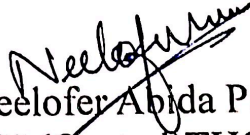
Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Sh.D. K. Malik, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Bharat in case FIR No.395/2020.


Arguments heard. For orders, put up at 4 pm.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
19.10.2020

At 4 pm
ORDER

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Bharat in case FIR No.395/2020.

Ld. counsel for the accused-applicant contended that the accused-applicant has been falsely implicated in the present case and is in JC since 22.09.2020. That though it is alleged that there were four



offenders and Rs. 700/- and Rs. 300 were taken by two of them respectively but the entire recovery is falsely planted on the shoulders of the accused-applicant alone. That investigation is complete, recovery has already been effected in the case, accused-applicant has clean antecedents and has no previous involvement in any case. That accused-applicant is the sole bread earner for his family consisting of his wife and 2 year old daughter.

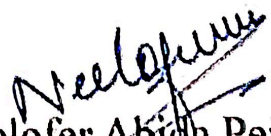
Ld. APP submits that accused-applicant has played an active role in commission of the offence and robbed amount is recovered from the possession of the accused-applicant and that the case involves commission of offence under section 394 IPC. That the accused-applicant is apprehended at the spot. It is not disputed that the accused-applicant has clean antecedents and so far as the investigation is concerned it is still going on but as regards the accused-applicant it is affirmed to be complete as all recoveries are effected and his custody is not claimed for the purposes of investigation.

Heard.

The present FIR came to be registered on the complaint of Vijay Kumar on the allegations that on 23.09.2020, he along with his friend Ajay Kumar had gone for delivery of ordered articles at H. No. O-33, Majnu Ka Tila when four persons had robbed them of their money and fled away from the spot. During investigation, accused Akash, Manish and Bharat were arrested at the instance of the complainant and robbed amount is shown to have been recovered from possession of the accused-applicant

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who is apprehended from near the spot. On a query of the Court Ld APP clarified that the offence under section 394 IPC is added only on the basis of the statement of the complainant, there is no MLC, and no injury sustained as such. the accused four in number are alleged to have given slaps, it is also not specified as to which of the four accused had given slaps, the allegations are vague on this aspect as would the contents of the FIR show. The accused-applicant has clean antecedents, though the investigation is going on however so far as the present accused is concerned the investigation qua him is stated to be complete, and there are no further recoveries to be effected from him. In such facts and circumstances the present application is allowed and accused Bharat in case FIR No.395/2020 is granted regular bail subject to his furnishing personal bond with two sureties in the sum of Rs. 20,000/- each to the satisfaction of the Ld. Trial Court/Duty MM, and upon the condition that he shall appear scrupulously before the Ld. Trial Court on each and every date of hearing and shall not delay, subvert or defeat the trial in any manner whatsoever, he shall not threaten, intimidate or influence witnesses nor tamper evidence or interfere with the trial in any manner whatsoever. He shall not change his address or mobile phone number mentioned in the personal bond without prior intimation to the IO. He shall also keep the said mobile, phone number son switched on mode at all times with location activated and shared with the IO. Sureties shall also intimate in the event of change in address and mobile phone number to be mentioned in the respective bonds. Application is disposed of accordingly.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
19.10.2020