

**BAIL APPLICATION**

**State v. Ram Nawal  
FIR No: 327/2016  
PS: Roop Nagar  
U/S: 302 IPC**

**04.09.2020**

**This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.**

**This court is holding physically today as per directions.**

Present: Mr. Pawan Kumar, learned Addl.PP for State in person.

Today, case is fixed for orders/ clarifications.

No time left as inspection of undersigned in Hon'ble High Court is pre-poned today in post-lunch session.

**Put up for orders/clarifications on 09.09.2020 through VC or physical hearing as per the choice of counsel for applicant/accused.**

**(Naveen Kumar Kashyap)  
ASJ-04/Central/04.09.2020**

SC:231/2020  
FIR No: 83/2020  
PS: Kashmere Gate  
State v. Laddan & others

04.09.2020

*File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.*

In view of the above-mentioned orders/directions, file is taken up through Webex.

**This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.**

**This court is holding physically court today as per directions.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.  
None for accused.

Sometime is sought by the State to address arguments.

As such, put up for arguments through VC on this application for modification of bail bond conditions and releasing him on personal bond itself.

Put up for arguments and appropriate orders for **10/09/2020**.

(Naveen Kumar Kashyap)  
ASJ-04/Central/04.09.2020

**BAIL APPLICATION**

**State v. Raj Bahadur  
(APPLICATION OF VASUDEV PRASAD)  
FIR No: 130/2014  
PS: Kamla Market**

**04.09.2020**

**This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.**

**This court is holding physically today as per directions.**

Present: Mr. Pawan Kumar, learned Addl.PP for State in person.  
Sh. Deepanshu Chugh, Ld. Counsel for accused through VC.

Today, case is fixed for orders/clarifications on regular bail application dated 25.08.2020 of accused Vasudev Prasad.

Put up for orders at 2 pm.

**(Naveen Kumar Kashyap)  
ASJ-04/Central/04.09.2020**

**At 2pm.**

Present: Mr. Pawan Kumar, learned Addl.PP for State in person.

Certain clarifications required regarding previous bail application, if any moved by such accused.

As such, put up for clarifications/orders on 09.09.2020 through VC or physical hearing as per the choice of counsel for applicant/accused.

**(Naveen Kumar Kashyap)  
ASJ-04/Central/04.09.2020**

**BAIL APPLICATION**

**State v. Salim  
FIR No: 655/2016  
PS: Sarai Rohilla  
U/S: 394,397,302,34 IPC**

**04.09.2020**

**This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.**

**This court is holding physically today as per directions.**

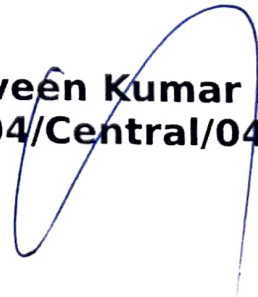
Present: Mr. Pawan Kumar, learned Addl.PP for State in person.  
Sh. Akhil Tarun Goel, Ld. Counsel for accused through VC.

Today, case is fixed for reply/arguments and appropriate orders including regarding medical documents on the present interim bail application of accused Saleem.

Reply filed through electronic mode. Same be supplied to accused side through electronic mode.

**Put up for arguments and appropriate orders on 08.09.2020 through VC or physical hearing as per the choice of counsel for applicant/accused.**

**(Naveen Kumar Kashyap)  
ASJ-04/Central/04.09.2020**





04.09.2020

*File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.*

***In view of the above-mentioned orders/directions, file is taken up through Webex.***

In the present case, last regular date of hearing was 08.04.2020,12.05.2020,08.07.2020,06.08.2020.

On 06.08.2020, matter was adjourned for 04.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC as well as physically.

**This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.**

**This court is holding physically today as per directions.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.  
Both the accused are stated to be on bail but not present today physically or through VC.

It is submitted by court staff/Reader that their LAC Yatender Kumar submitted that both the accused are at West Bengal at present and he needs some instructions for further final arguments. As such, could not address such final arguments today.

In the interest of justice, last and final opportunity is given for addressing final arguments to the accused side.

**At his request, put up the matter for final arguments through physical hearing 24.09.2020.**

  
(Naveen Kumar Kashyap)  
ASJ-04/Central/04.09.2020

**SC: 586/2019**  
**FIR No: 135/2019**  
**PS: Nabi Karim**  
**State v. Akash @ Akki & Ors.**

**04.09.2020**

*File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.*

***In view of the above-mentioned orders/directions, file is taken up through Webex.***

In the present case, last regular date of hearing was 06.05.2020,04.07.2020.

On 04.07.2020, matter was adjourned for 04.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down.

**This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.**

**This court is holding physically today as per directions.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.  
None for accused.

No adverse order is passed in the interest of justice.

Issue P/w of the accused, if any in JC for next date through VC or otherwise as the situation permits, on next date of hearing.

**Put up for PE in terms of previous order for 18.11.2020.**

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/04.09.2020**

SC:489/2018  
FIR No: 168/2018  
PS: Roop Nagar  
State v. Subhash Kumar & others

04.09.2020

*File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.*

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 06/05/2020 & 04/07/2020. Thereafter, as per directions from hon'ble High Court, the matter was adjourned was for due to lock-down.

**This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.**

**This court is holding court physically court today as per directions.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.  
None is present for any of the accused.

In the interest of justice, no adverse orders are passed in the present case against accused persons.

Put up for PE in terms of previous orders for **18/11/2020**. Also issue notice to two material witnesses for the next date of hearing.

  
(Naveen Kumar Kashyap)  
ASJ-04/Central/04.09.2020



**SC: 124/2018**  
**FIR No: 416/2017**  
**PS: Burari**  
**State v. Raja @ Rajvir @ Sunder Singh**

**04.09.2020**

*File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.*

***In view of the above-mentioned orders/directions, file is taken up through Webex.***

In the present case, last regular date of hearing was 31.03.2020,06.05.2020 and 04.07.2020.

On 04.07.2020, matter was adjourned for 04.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC as well as physically.

**This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.**

**This court is holding physically today as per directions.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.

As per record, accused is on interim bail at present.

**Put up for PE in terms of previous order 17.11.2020.**

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/04.09.2020**

**SC:28277/16**  
**FIR No: 134/2015**  
**PS: Lahori Gate**  
**State v. Tahir Hussain**

**04.09.2020**

*File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.*

***In view of the above-mentioned orders/directions, file is taken up through Webex.***

In the present case, last regular date of hearing was 04.07.2020.  
On 04.07.2020, matter was adjourned for 04.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing today through VC.

**This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.**

**This court is holding physically today as per directions.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.  
Sh. S.N. Shukla, LAC for accused no.4 Md. Nazim.

No adverse order is passed in the interest of justice.

Issue P/w of the accused, if any in JC for next date through VC or otherwise as the situation may prevail on next date of hearing.

**Put up for PE in terms of previous order 17.11.2020.**

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/04.09.2020**



**SC:27843/2016**  
**FIR No:118/2011**  
**PS:Roop Nagar**  
**State v Rajpal & others**

**04.09.2020**

*File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.*

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 06/05/2020 & 04/07/2020. Thereafter, as per directions from hon'ble High Court, the matter was adjourned was for due to lock-down.

**This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.**

**This court is holding court physically today as per directions.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.

Mr. Rajesh Anand, learned counsel for all accused three accused through VC alongwith all the three accused are on bail through VC.

In the interest of justice, no adverse orders are passed in the present case.

Put up for PE in terms of previous orders for **17/11/2020**. Also issue notice to two material witnesses for the next date of hearing.



**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/04.09.2020**

**SC:373/2019**  
**FIR No: 19/2019**  
**PS: Timar Pur**  
**State v. Inderjeet @ Rahul & others**

**04.09.2020**

*File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.*

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 06/05/2020 & 04/07/2020. Thereafter, as per directions from hon'ble High Court, the matter was adjourned was for due to lock-down.

**This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.**

**This court is holding court physically today as per directions.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.

All the three accused are on bail as per report.

In the interest of justice, no adverse orders are passed in the present case.

Put up for purpose already fixed in terms of previous order for

**17/11/2020.**

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/04.09.2020**

**SC:371/2019**  
**FIR No: 18/2019**  
**PS: Timar Pur**  
**State v. Rajesh Dass & others**

**04.09.2020**

*File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.*

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 06/05/2020 & 04/07/2020. Thereafter, as per directions from hon'ble High Court, the matter was adjourned was for due to lock-down.

**This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.**

**This court is holding court physically today as per directions.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.  
None for any of the accused persons.

In the interest of justice, no adverse orders are passed in the present case.

Put up for the purpose already fixed in terms of previous order / arguments on charge for **17/11/2020**.

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/04.09.2020**

04.09.2020

*File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.*

In view of the above-mentioned orders/directions, file is taken up through Webex.

**This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.**

**This court is holding court physically today as per directions.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.  
Accused No.1 & 3 Rahul Sharma & Raghav Jha produced from JC through VC.  
Accused No.2 Kishan Kumar in person with proxy counsel Mr. Hirat Anand.  
Accused No.4 Noori produced from Mandoli Jail through VC.

In the interest of justice, no adverse order is passed against accused No.4 Noori.

Put up for the purpose already fixed in terms of previous order / for framing of amended charge for **24/09/2020**.

Further an application for release of mobile phone dated 17/08/2020 is pending for today. It is already observed in the previous ordersheet dated 19/08/2020 that similar application was rejected already by my learned Predecessor. As such, put up for maintainability of the same and for appropriate order for the next date of hearing.

  
(Naveen Kumar Kashyap)  
ASJ-04/Central/04.09.2020



**CA: 132/2020**  
**Samay Chand v. Govt. of NCT of Delhi**

**04.09.2020**

*File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.*

In view of the above-mentioned orders/directions, file is taken up through Webex.

**This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.**

**This is fresh criminal Appeal filed by physical mode and same is put up before this court today as this court is holding physical court as per directions. Same be checked and registered.**

Present: Sh. Raj Kumar, Ld. Counsel for Appellant.  
Sh. Pawan Kumar, Ld. Addl. PP for state/Respondent no.1.

Copy of the appeal supplied to State/respondent.

Part submission heard.

**Put up for maintainability of present appeal and other aspects for 19.09.2020.**

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/04.09.2020**



**Criminal Revision: 208/2020  
Amit Kumar v. State & Ors.**

**04.09.2020**

*File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.*

In view of the above-mentioned orders/directions, file is taken up through Webex.

**This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.**

**This is fresh criminal Revision filed by physical mode and same is put up before this court today as this court is holding physical court as per directions. Same is checked and registered.**

Present: None for Revisionist.  
Sh. Pawan Kumar, Ld. Addl. PP for state/Respondent no.1.

Put up for consideration/appropriate order on

Issue court notice to revisionist through electronic mode to appear through VC or otherwise as the situation may be, for **12.11.2020**.

  
**(Naveen Kumar Kashyap)  
ASJ-04/Central/04.09.2020**

**SC: 253/2020**  
**FIR No: 50/2020**  
**PS: Chandni Mahal**  
**State v. Mohd. Umair @ Umar**

**04.09.2020**

*File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.*

In view of the above-mentioned orders/directions, file is taken up through Webex.

**This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.**

**Today, this court is holding physically as per directions.**

**Case received after committal.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.  
None for accused.

As per record, accused is on bail.

Issue court notice to the accused through counsel, through electronic mode to appear through VC or otherwise as the situation may be, to accused for 12.11.2020.

**Put up for consideration /further proceedings on  
12.11.2020**

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/04.09.2020**

**SC: 228/2020**  
**State v. Davar @ Dava@Kancha and Anr.**  
**FIR No.: 38/2020**  
**PS: Kashmere Gate**

**04.09.2020**

*File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.*

In view of the above-mentioned orders/directions, file is taken up through Webex.

**This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.**

**Today, this court is holding physical hearing as per directions.**

**Case received after committal. Same be checked and registered.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.  
None for accused.

Issue P/w of the accused, if any in JC for next date through VC or otherwise as the situation may prevail on next date of hearing.

Further, issue court notice to the accused who is on bail through electronic mode to appear through VC or otherwise as the situation may be, for **11.11.2020**.

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/04.09.2020**

**CA: 105/2020**  
**Sanjay Kumar v. State**

**04.09.2020**

*File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.*

In view of the above-mentioned orders/directions, file is taken up through Webex.

**This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.**

**This is fresh criminal appeal filed by physical mode and same is put up before this court today as this court is holding physical hearing today as per directions.**

Present: None for Appellant.

Issue court notice to Appellant through counsel through electronic mode to appear through VC or otherwise as the situation may be, for **11.11.2020**.

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/04.09.2020**



**SC:28021/16**  
**FIR No: 369/2013**  
**PS: I.P. Estate**  
**State v. Dr. Guljeet Kr Arora etc.**

**04.09.2020**

*File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions judge(HQs), Delhi.*

**This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.**

**This court is holding physically today as per directions.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.  
Sh. C.L. Dhawan, Ld. Counsel for accused no.1 Guljeet Arora.  
Ms. Kanika, proxy counsel for accused no.2 Ravinder.

It is submitted by counsel for accused no.1 that matter has already been stayed by Hon'ble High Court vide order dated C.M. MC No.5431/2014 vide order dated 10.02.2020 and next date of hearing is 23.10.2020.

**At request, put up on 11.11.2020.**

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/04.09.2020**



**SC:64/2018**  
**FIR No: 117/2015**  
**PS: I.P. Estate**  
**State v. Abdul Rehman**

**04.09.2020**

*File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.*

In view of the above-mentioned orders/directions, file is taken up through Webex.

**This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.**

**This court is holding physical court as per directions.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.  
All the accused are absent.

No adverse order is passed in the interest of justice.

**Put up for purpose fixed in terms of previous order**

**17.11.2020.**

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/04.09.2020**

**SC:28891/2016**  
**FIR No: 217/2012**  
**PS: Kotwali**  
**State v. Md. Firasat & Ors.**

**04.09.2020**

*File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.*

In view of the above-mentioned orders/directions, file is taken up through Webex.

**This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.**

**Today this court is holding physical hearing as per directions.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.  
None for accused.

No adverse order is passed in the interest of justice.

Issue P/w of the accused, if any in JC for next date through VC or otherwise as the situation permits, on next date of hearing.

**Put up for PE in terms of previous order 17.11.2020.**

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/04.09.2020**

## Interim Bail Application

**State Vs Raja Babu @ Gandhi**

**FIR No. 146/2018**

**PS.: Timar Pur**

**U/s: 304 IPC**

**04.09.2020**

**Present: Mr. Pawan Kumar Learned Addl. PP for State.  
Mr. A.A. Qureshi, learned counsel for the  
applicant / accused through V.C.**

*Arguments already heard and today the case was fixed for orders only.*

**1.** Vide this order present third interim bail application dated 05/08/2020 is disposed off.

**2.** It is stated in such application that his first interim bail application was dismissed on 12/06/2020 by the learned Bail Duty Court; that his second interim bail was also dismissed vide order dated 23/06/2020; that he is in JC since 21/07/2018; that he belongs to a respectable family; that he is only bread earner of the family; that there is corona pandemic which is spreading even inside the jail. It is further stated that he is on bail in other criminal case pending in UP vide order dated 21/01/2020. It is further stated that he is very much covered by the relaxed interim bail criteria of Hon'ble High Courts and the directions passed by Hon'ble Supreme Court in WP(C) 01/2020. As such, it is prayed that he be granted interim bail for 45 days.

**3.** On the other hand, it is stated by the learned Addl.PP for the state, based on reply filed by the IO / SHO that crime is serious in nature under section 304 IPC. It is further stated that his regular bail was rejected in 2018 twice and then again in 2019 and then again by the undersigned on 01/02/2020. It is further stated that his interim bail based

State Vs Raja Babu @ Gandhi

FIR No. 146/2018

PS.: Timar Pur

U/s: 304 IPC

on criteria of Hon'ble High Court was also rejected vide order dated 12/06/2020 and again on 23/06/2020 by this court only. On merit, it is stated that he may influence the witnesses. It is further stated that he does not have permanent address in Delhi and residing in UP. As such, present bail application is opposed.

4. There are specific and serious allegations against the present accused. Further the type of offence with which present accused is charged with is covered by Hon'ble High Power committee dated 18/04/2020 i.e. offence punishable upto life imprisonment. One of the condition prescribed that accused could be suffering from certain type of disease. Same is not the case of the accused. As such, he is not covered in such guidelines or subsequent clarification given by Hon'ble High Power Committee. Further the ground stated by the accused for interim bail are not found sufficient to grant the interim bail. Further needless to say it is a duty of Jail Superintendent concerned to take all possible steps to ensure good health of the accused as per rules and directions issued from time to time. Under these circumstances, having regard to the nature of allegations made and the stage of the present case, this court is not inclined to grant the relief as sought in the present application. Hence, the same is dismissed.

5. **With these observations present interim bail application is disposed of as dismissed. Both the parties are at liberty to collect the order through electronic mode. Copy of this order be sent to IO / SHO concerned. Copy of this order be also sent to Jail Superintendent concerned. Copy of order be uploaded on the website.**

(Naveen Kumar Kashyap)  
ASJ-04(Central)/Delhi/04.09.2020



## **Bail Application**

**State v. Murgan @ Anna**  
**FIR No. : 359/2014**  
**PS: Pahar Ganj**  
**U/S: 307,387,120B IPC &**  
**25,27,54,59 Arms Act**

**04.09.2020**

Present: Mr. Pawan Kumar, Ld. Adll. PP for the State in person.  
Sh. Aijas Ahmad, Ld. counsel for accused/applicant through VC.

**Arguments are already heard and today, case was fixed for orders.**

Vide this order, the regular bail application dated 17.08.2020 of the accused Murgan @ Anna moved through counsel is disposed of .

I have heard both the sides and have gone through the record.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article



21 in view of its expansive meaning not only protects life and liberty, but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial, but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons

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should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a

disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745** ).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to



believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in



which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, it is argued on behalf of accused that he is in JC since 06.08.2014. That injured and other material witnesses are examined and discharged and formal witness/police witnesses are to be examined. Co-accused Inder Bhan Pandey is already granted bail way back in September, 2014. That he is falsely implicated in the present case. That he has roots in the society. That no purpose would be served by keeping the accused in JC. As such, it is prayed that he be granted regular bail.

On the other hand, it is argued by the learned Addl.PP for the state that there are serious and specific allegations against the present accused; that PW-1 and PW-12 i.e. victim and his brother supported the prosecution


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even their evidence before the court. That present accused demanded Rs. 1 lac from the victim/PW-1 and fired upon him and because of which he was even hospitalized. That such accused previously involved in two other criminal cases but later on acquitted in both the cases. As such, present bail application is strongly opposed.

I find force in the arguments of learned Addl.PP for the state. The offence is serious in nature and is nuisance to public at large. There are specific and serious allegations against the accused. In fact, PW-1/victim and his brother PW-12 deposed against the accused even during the trial. But the evidence is not discussed in detail as this is an application for bail only. Further, my learned Predecessor vide order dated 07.07.2017 dismissed his earlier bail application and thereafter there is no material change in favour of the accused. As such, this court is not inclined to grant the relief as sought in the present application. Hence, the same is dismissed.

**With these observations present bail application is disposed of as dismissed.**

**Copy of this order be given to counsel for the applicant/accused through electronic mode. Copy of this order be sent to Jail Superintendent concerned through electronic mode.**

  
**(Naveen Kumar Kashyap)  
Additional Sessions Judge-04  
Central/THC/Delhi  
04.09.2020.**

**Bail Application**

**State v. Abdul Salam  
(APPLICATION OF ADNAN HUSSAIN)  
FIR NO.: 02/2014  
PS: Jama Masjid  
U/S: 302,394,411, 34 IPC**

**04.09.2020**

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State .  
None for accused/applicant.

Today, the case is fixed for order.

Vide this order, the regular bail application dated 03.04.2020 under section 439 Cr.P.C. on behalf of accused Adnan Hussain filed through counsel is disposed of.

I have heard both the sides and have gone through the record.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty ,but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The



fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to



refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural

requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745** ).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that

facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, it is submitted on behalf of the accused that he is in JC since 05.03.2014; that there is possibility of transmission of corona virus in JC which is already over-crowded. That case of the prosecution is based on disclosure statement of accused Abdul Kalam and alleged recovery of watch of the deceased from the house of present applicant. It is further stated that there is a discrepancy in the statement u/s 161 Cr.P.C. vis-a-vis evidence in court of PW-1 regarding such watch. PW-1 never deposed about such watch in his previous statement before police. It is prayed that such watch is planted upon the accused. It is further claimed that witness to recovery is a stock witness, Avinesh Singh. That he was granted interim bail from time to time. He thereafter



surrendered timely. It is further submitted that mother of the accused expired in 2018 and father is a chronic heart patient and is paralyzed. That brother of the accused got paralysis attack and is under treatment at government hospital. That his sister is also having medical problem. As such, presence of accused is required for pre and post treatment care. Further, learned counsel for accused relied upon certain case law also.

On the other hand, in reply dated 08.04.2020, it is stated, as also argued by the learned Addl.PP for the state, that there are serious and specific allegations against the present accused. That deceased was known to the accused side. They brutally murdered the deceased in a planned manner after consuming drugs to him. Further, case property was recovered at the instance of present accused. As such, present application is opposed.

I have heard both the sides and gone through the record. It is rightly pointed out by the learned Addl. PP for the State that offence is very serious in nature. The minimum punishment prescribed is life imprisonment. Further, it is a settled law that evidence should not be discussed in detail at the time of bail, but sufficient to say that there are incriminating material against the accused connecting prima facie with the offence. As such, having regard to the nature of the offence, nature of material against the accused and the stage of trial, this court is not inclined to grant bail at this stage. **With these observations present bail application is disposed of as dismissed.**

**Learned counsel for the applicant / accused is at liberty to collect the order through electronic mode. Copy of this order be sent to Jail Superintendent concerned through electronic mode.**

(Naveen Kumar Kashyap)  
Additional Sessions Judge-04  
Central/THC/Delhi

04.09.2020



**Bail Application**

**State v. Davar @ Kancha**  
**FIR No. : 38/2020**  
**PS: Kashmere Gate**  
**U/S: 307,392,394,397,411,34 IPC**

**04.09.2020**

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State  
None for accused/applicant.

Vide this order, the regular bail application of the accused Davar @ Kancha moved through DLSA through Jail Superintendent concerned is disposed of .

I have heard both the sides and have gone through the record.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty ,but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless



there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the

Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.



Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. **(Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745 )**.

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will



entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, it is argued that chargesheet is already filed and case is already committed to this court. That he is in JC since 20.02.2020. That he is falsely implicated in the present case. That he has to look after one old mother and elder sister who are completely dependent upon the accused. He is the sole bread earner of the family. That co-accused Basu @ Bengali is already granted bail. That there is corona pandemic prevailing at present. That he is permanent resident of West Bengal. As such, it is prayed that he be granted regular bail.

On the other hand, it is argued by the learned Addl.PP for the state that there are serious and specific allegations against the present accused; that he is a vagabond and his presence may not be secured for trail if he is granted bail. It is further stated that victim Avinash Singh is known to the accused/applicant. Present accused

alongwith two other caught hold of victim and started beating with the intention to rob. That present accused Davar made several attack on him with paper cutter. The other accused robbed him Rs. 15,000/- from his pocket. At the instance of such victim, such accused was identified and arrested later on. Paper cutter was also recovered. It is further stated that allegations against present accused are more serious than the co-accused Basu @ Bengali. As such, present bail application is strongly opposed.

I find force in the arguments of learned Addl.PP for the state. The offence is serious in nature and is nuisance to public at large. There are specific and serious allegations against the accused. Public witnesses including the complainant is not yet examined. Further, it is the present accused who as per the prosecution attacked the victim with paper cutter. As such, his role is graver than other accused and as such, he cannot claim parity with co-accused Basu@ Bengali who is granted regular bail.

As such, this court is not inclined to grant the relief as sought in the present application. Hence, the same is dismissed.

**With these observations present bail application is disposed of as dismissed. Learned counsel for the applicant / accused is at liberty to collect the order through electronic mode. Copy of this order be sent to Jail Superintendent concerned through electronic mode.**

(Naveen Kumar Kashyap)  
Additional Sessions Judge-04  
Central/THC/Delhi  
04.09.2020.